



TECHNICAL AND COMPLIANCE COMMITTEE

Third Regular Session

27 September to 2 October 2007
Pohnpei, Federated States of Micronesia

**PROPOSED AMENDMENTS TO ATTACHMENT 'F' FROM TCC1 SUMMARY
REPORT, 5-9 DECEMBER 2005**

WCPFC-TCC3-2007/DP-10

28 September 2007

Proposal by the Federated States of Micronesia, Republic of Marshall Islands and Republic of Palau

Attachment F – from TCC1 Summary report dated 5-9 December 2005

Draft Commission Rules and Procedures for the Release and Use of VMS Data

The Commission and all Parties receiving data shall treat all VMS reports and messages received in a confidential manner in accordance with the confidentiality rules established by the Commission as contained in Annex 1. Data from individual vessels shall be used for compliance purposes only, namely for:

- (i) ~~active~~ surveillance presence, and/or inspections by a Contracting Party in ~~the High Seas areas of~~ the Convention Area;
- (ii) ~~the purposes of verifying the content of a trade documents relating to catches from the High Seas areas of the Convention Area (where applicable) monitoring and verifying management measures in the Commission area.~~
- (iii) *monitoring fishing vessel activity in the high seas areas adjacent to EEZs where applicable.*

The Commission shall place a list of vessels submitting VMS reports and messages on a password-protected section of the WCPFC website. The list shall be posted monthly by the Secretariat, establishing an electronic archive.

VMS reports and messages (including vessel locations), may be provided by the Secretariat to a Contracting Party other than the Flag State without the permission of the Flag State only during ~~active~~ surveillance, and/or inspection in accordance with the Commission System of Inspection.

~~In this case,~~ The Secretariat shall provide VMS reports and messages, including vessel locations over the previous 10 days, for ~~all~~ vessels ~~in the intended patrol area and as~~

~~necessary for the duration of the surveillance patrol actually detected during surveillance, and/or inspection by a Contracting Party. , and VMS reports and messages (including vessel locations) for all vessels within 100nm of that same location.~~

[The Flag State(s) concerned shall be provided by the Party conducting the ~~active~~ surveillance, and/or inspection, with a report including ~~the~~ name of the vessel or aircraft ~~on~~ ~~active—conducting~~ surveillance, and/or inspection under the Commission System of Inspection., ~~and the full name(s) of the inspector(s) and their ID number(s).~~—The Parties conducting the ~~active~~ surveillance, and/or inspection will make every reasonable effort to make this information available to the Flag State(s) as soon as possible.] ***Remove this whole paragraph and insert into the data sharing rules.***

~~A Party may contact the Secretariat prior to conducting active surveillance, and/or inspection in accordance with the Commission System of Inspection, in a given area and request VMS reports and messages (including vessel locations), for vessels in that area. The Secretariat shall provide this information only with the permission of the Flag State for each of the vessels. On receipt of Flag State permission the Secretariat shall provide regular updates of positions to the Contracting Party for the duration of the active surveillance, and/or inspection in accordance with the Commission System of Inspection.~~

A Contracting Party may request actual VMS reports and messages (including vessel locations) from the Secretariat for a vessel when verifying the claims ~~on a~~ relating to catches from the Commission Convention Area (where applicable). In this case the Secretariat shall provide that data only with Flag State permission.

At any time a coastal state may request VMS reports and messages (including vessel locations) from the Secretariat in the area within 100 nautical miles of its exclusive economic zones where applicable.

Any member of the Commission may request that waters under its national jurisdiction be included within the area covered by such vessel monitoring system.