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**PROPOSED APPLICATION OF THE COMMISSION VMS TO WATERS UNDER  
NATIONAL JURISDICTION**

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**WCPFC6-2009/IP15**  
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**Paper prepared by the Secretariat**

Introduction

1. Article 24 of the WCPF Convention provides the basis for the establishment and operation of the Commission's vessel monitoring system (Commission VMS), which applies to vessels that fish for highly migratory fish stocks on the high seas in the Convention Area. Under Article 24(8), any member of the Commission may request that waters under its national jurisdiction be included within the area covered by the Commission VMS.
2. The Commission has not yet developed any guidance on the application of paragraph 24(8) of the WCPF Convention noted above. In anticipation of requests from CCMs, the Commission would need to provide some policy guidance on the interpretation and application of the Commission VMS to areas under the national jurisdiction of CCMs.

Key issues for consideration

3. Some key policy issues for consideration by the Commission include:
  - i. data ownership – is the VMS position data owned by the WCPFC, the CCM or jointly owned?;
  - ii. data access – is it only the CCM receiving the VMS position data that “sees” this data or should the WCPFC Secretariat and/or the flag State also have access?;
  - iii. data view – is the VMS position data in “read-only” view or in a form that the CCM can manage (e.g. change reporting rates)?;
  - iv. payment for data – does the CCM receiving the VMS position data pay for this data? Will the WCPFC Secretariat need to develop a cost-recovery policy?;
  - v. payment options – if the VMS position data is provided to a CCM for a fee, should payment be in advance or in arrears? In calculating the fee, how many vessels will actually be involved?;
  - vi. data access agreement duration – should the CCM receive the information on an annual/other basis?;
  - vii. number of client activations – how many clients per CCM should be activated to view the VMS position data? How will payment be charged per client activation?;
  - viii. policy determination – how will the policies relating to this proposed application of the Commission VMS be determined?;

- ix. policy nature – should WCPFC policies relating to this proposed application of the Commission VMS be generic in nature or should each application by a CCM be treated case-by-case?;
- x. roles and responsibilities – what will be the respective roles and responsibilities of the flag State and coastal State in this proposed application of the Commission VMS?;
- xi. possible service level agreement (SLA) amendment – will amendments be required to the current WCPFC-FFA SLA to accommodate this proposed application of the Commission VMS?; and
- xii. additional SSPs – will there be a need for additional Commission VMS Standards, Specifications and Procedures (SSPs) to govern any arrangement between the CCM and the WCPFC?

#### Conclusion

4. WCPFC6 is invited to:
  - consider the proposed application of the Commission VMS by a CCM wishing to obtain position information for a vessel inside its waters under national jurisdiction that is not part of its national VMS; and
  - provide direction to CCMs and the WCPFC Secretariat on this matter.