



## **TECHNICAL AND COMPLIANCE COMMITTEE**

### **Seventh Regular Session**

28 September - 4 October 2011

Pohnpei, Federated States of Micronesia

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## **ANNUAL REPORT ON THE COMMISSION VMS**

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**WCPFC-TCC7-2011/11**

**31 August, 2011**

### **Paper prepared by Secretariat**

Paragraph 7.3.9 of the SSPs requires, in part, the Secretariat to monitor and report annually to the TCC the performance of the Commission VMS and its application. This paper has been prepared in compliance with this requirement.

#### **ISSUES in this paper:**

- Offsite back-up development in progress.
- New SLA charges proposed by FFA.
- VTAF part of RFV listing requirement.
- ALCs Comply with WCPFC standards
- Manual Report – SSP bracketed text
- Monitoring of national waters (*Article 24 (8)*)

Note that there are other issues discussed in the following papers therefore not discussed here:

- WCPFC-TCC7-2011/09 - Optimization of Costs of Commission Operations
- WCPFC-TCC7-2011/10 - Joint WCPFC/FFA VMS Review
- WCPFC-TCC7-2011/22 - Review of the CCMs supporting the WCPFC RFV, VMS and ROP

#### **DECISIONS/ENDORSEMENTS:**

##### **VMS Backup site.**

1. The data centre in Guam is hosting the Commission's VMS data backup. Work is in progress to have the site ready to receive copies of the Commission VMS data by mid August 2011. Absolute Software is in the process of completing the upload and installation of the required software before data can be uploaded the Commission VMS data to the back-up site.

##### **New SLA charges proposed by FFA.**

2. For TCC7 information, FFA has proposed new service fees under Schedule 3 of the SLA which are lower than what the Commission is currently being charged. The expected savings from the proposed lower fees are noted by FFA as approximately US\$200,000. The new fee structure is being discussed between the two parties.

## **Vessel Tracking Agreement Form (VTAF)**

4. For Mobile Communications Service Providers (MCSPs) to activate a vessel to be tracked, the vessel owner/operator must give his/her consent for the vessel to be monitored. The VTAF is the document that authorizes this action. It is recommended that VTAF form part of the mandatory required data for vessels wishing to be listed on the WCPFC Record of Fishing Vessel and on the Interim Register of Carriers and Bunkers under CMM 2009-01 Para 6. This recommendation is also included in the proposed amendments to CMM 2009-01.

### **ALCs Comply with WCPFC standards**

5. Annex 1 of the CMM 2007-02 sets the minimum standard for Mobile Transceiver Unit (MTU)/Automatic Location Communicator (ALC) used in the Commission VMS. The Faria Watchdog does not meet the requirements under para 13 of the Annex1 because its uses two cables from the antenna to the indoor unit. TCC is recommended to review Annex 1 of CMM 2007-02.

6. Paragraphs 2.9 and 2.13 of the SSPs state that “*CCMs are to carry out a periodic audit of a representative sample of installed ALCs. The results of these audits will be provided to the Commission by CCMs in the Part 2 component of their respective annual reports to the Commission and those results compiled by the Secretariat into a VMS Audit Report Document*”. At the time of preparation of this paper no audit reports had been included in Part 2 Annual Reports received by the Secretariat in accordance with CCMs obligations under the SSPs.

7. Annex 1 of the CMM 2007-02 sets the minimum standard for MTU/ALC used in the Commission VMS. One MTU/ALC model, the Faria Watchdog that is currently used by 179 vessels – CN(20), CK(3),FJ(1),ID(1),MH(1), PA(1), PG(8), PH(33), US(101) does not meet the requirements under para 13 of the Annex1 because its uses two cables from the antenna to the indoor unit.

8. Paragraph 7.3.10 of the SSPs state that the Secretariat will include in its annual report to TCC all details for non-compliant ALCs on the operations of the Commission’s VMS detected in the previous 12 months (6.3.9). This information is not provided because no periodic audit reports were received from CCMs. TCC may consider recommending appropriate sanctions by the Commission as a means of deterring non-compliance. Without ALC/MTU Audit Reports from CCMs, the WCPFC Secretariat is unable to report on compliance with ALCs during the period that the Commission VMS has been operational.

### **Manual Reporting – SSPs bracketed text.**

9. The bracketed text 5.4 and 5.5 in the SSPs regarding manual reporting has not yet been resolved, thus leaving the requirement for manual reports when the MTU stops transmitting in limbo. There have been cases in 2011 of vessels not complying with the manual reporting when their antennae have been blocked or disconnected, thus negating the ability of the Commission to track these vessels on the high seas. TCC7 is invited to review these paragraphs and finalize the text in paragraphs 5.4 and 5.5 of the SSPs, noting the difficulties experienced by not having agreed text and procedures to facilitate VMS operations in cases of failure of the MTU/ALCs.

### **Application of the Commission VMS to waters under national jurisdiction**

10. A draft Template has been circulated with final comments from CCMs. A number of CCMs have expressed interest in utilizing the Template to minimize the IUU opportunities in their waters. It is noted that final and timely agreement on this Template would foster implementation for those flag States who wish to access the Commission VMS data in their EEZs to reduce IUU fishing. TCC7 is invited to

review the final Template for its adoption as per the process agreed at WCPFC7 (WCPFC7 Summary Record Attachment X).

**DISCUSSION:**

**Commission VMS Database**

11. Paragraph 2.8 of the SSPs requires the Secretariat to administer a Commission VMS database. For each fishing vessel required to report to the Commission VMS the flag CCM is to submit all necessary data to complete its data file in the Commission’s VMS database.

12. All CCMs’ flag vessels operating in the Convention Area that are required to report to the Commission VMS are to complete, in full, a Vessel Tracking Agreement Form (VTAF). The VTAF is designed to collect the details of each vessel’s MTU/ ALC being used by vessels that will report to the Commission VMS, including those reporting through the FFA VMS. The VTAF also authorises the Secretariat to electronically monitor the unit and disseminate data from it in accordance with WCPFC policy. The VTAF can be downloaded from the Commission website - <http://www.wcpfc.int/vessel-monitoring-system>

13. The number of VTAFs by CCM that have been received by the Secretariat since the inception of the Commission VMS and the number of vessels by flag in the Commission VMS database is appended in Annex 1.

14. Position report data received by the Commission VMS includes data outside of the high seas area of the Convention Area. These data are quarantined. CCMs may have access to these if the CCM requests to monitor waters under their national jurisdiction under Article 24(8). Only data in the High Seas of the Convention Area is visible on the Commission VMS at this time although all data in-zone and outside the Convention Area is collected by the system, is resident in the system and is charged to the WCPFC accordingly. Some CCMs have questioned the requirement for the Commission to receive data outside the Convention Area, however without access to the data it is not possible for the VMS Manager to assess this data and take appropriate measures to stop the collection and costs for VMS data that is not relevant to the Commission’s mandate or CCMs. TCC7 is invited to consider the above constraints on the VMS manager’s operations and costs to the Commission when reviewing WCPFC-TCC7-2011/10.

CHANNEL	All Data Received			Data in HS of Convention Area		
	2009	2010	2011 (to date)	2009	2010	2011 (to date)
Inmarsat C	563,660	764,510	512,666	223,368	299,732	176,790
Faria/Iridium	137,326	400,556	301,840	38,024	116,874	76,849
CLS Argos	102,030	1,310,849	669,268	17,644	279,095	135,195
FFA Data Transfer	1,081,479	810,402	523,641	893,208	806,779	523,635
	<b>1,884,495</b>	<b>3,286,317</b>	<b>2,007,415</b>	<b>1,172,244</b>	<b>1,502,480</b>	<b>912,469</b>

15. The overall reporting rates of vessels activated to report directly to WCPFC VMS are 66%. Only 49% are currently reporting while on the high seas of the Convention Area, thus leaving the remainder in limbo as to their actions in EEZs or elsewhere.

	2009	2010	2011 (to date)
Direct Reporting inside HS Convention Area	687	746	710

FFA HS Transfer HS Convention Area	1,257	1,310	1,312
Total inside HS Convention Area	1,944	2,056	2,022
Total Outside HS Convention Area	259	244	260
Total Vessels All Areas	2,203	2,300	2,282

16. Work has begun in setting an offsite back-up of the Commission VMS data. A data center in Guam has been selected for VMS data replication from the Pacific VMS infrastructure in Sydney. The Centre has been ready for uploading of the Commission VMS data since early August 2011. Absolute Software is in the process of completing the upload and installation of the required software before data can be uploaded the Commission VMS data to the back-up site.

### Service Level Agreement with the FFA

17. Paragraph 7.3.3 of the SSPs in part, requires the Secretariat to develop and manage a Service Level Agreement (SLA) with the FFA for provision of VMS services. This SLA was signed by the Secretariats of the WCPFC and FFA in early December 2008. Since then the WCPFC Secretariat has met quarterly with the FFA Secretariat to monitor the delivery of SLA services in support of Commission VMS implementation.

18. At the Q2/2011 VMS Planning meeting held in Wollongong, NSW, FFA has proposed new charges which are lower than what the Commission is currently being charged (see para 2) the charges will be back dated to 1 January 2011. The following are the new fees proposed by FFA:

Service	Current Charge	New Charge
Vessel activation	\$200.00	\$150.00
Client activation	\$1,250.00	\$1,150.00
Client De-activation	\$250.00	\$150.00
MTU Monthly recurring charges	\$18.00	\$8.50
FFA High Seas data transfer	\$18.00	\$8.50
Monthly Network, Tape Backup & Internet Charges	\$1,250.00	\$ -
Monthly Help Desk and SLA support	\$1,000.00	\$500.00

19. The table below shows vessel activations and de-activations by year. A onetime activation fee of \$200 and a monthly recurring fee of \$18 are applied to each vessel.

	2009	2010	2011	TOTAL
Vessel Activations	1,387	163	15	1,565
Vessel De-activation	1	12	56	69
<b>Total Active Vessels</b>	<b>1,386</b>	<b>1,537</b>	<b>1,496</b>	<b>1,496</b>

### Implementation of Client Access

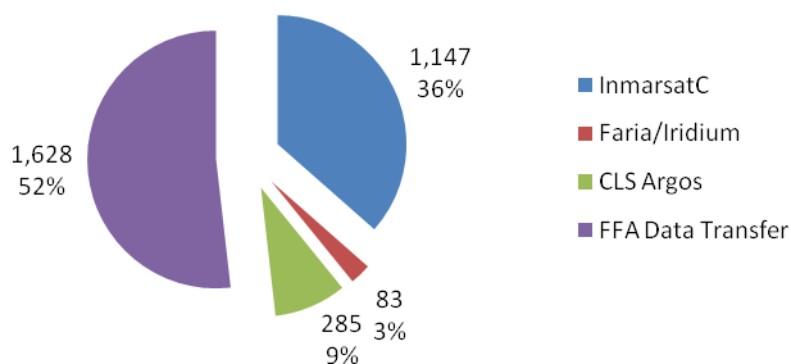
20. The Commission VMS budget provides for the activation of ten (10) CCM client access registrations annually to the Commission VMS as authorized users of this service. As of 1 July 2011 a total of seventeen (17) CCMs had been granted client access to the Commission VMS, enabling them to view the positions of their respective authorized flag vessels in the Convention Area. Seven staff of the MCS section of the WCPFC Secretariat also has access to the Commission VMS.

## Negotiation of Contracts with Mobile Communications Service Providers

21. Paragraph 7.3.5 of the SSPs requires the WCPFC Secretariat to enter into, and to maintain, direct contracts with mobile communications service providers for the provision of position (and other) data from the MTUs/ALCs to the Commission VMS. Currently, WCPFC Secretariat has ongoing contracts with:

- Vizada – for Inmarsat DNID management; and
- Satcomms Australia - for Inmarsat C, D+ and Iridium services.
- CLS Argos – Argos MTUs (currently position reports are provided at no cost to the Secretariat except for Thorium MTUs).

**Number of MTUs by Channel**



## Log of manual reporting

22. The Secretariat maintains a log of all vessels placed on manual reporting consistent with paragraph 5.6 of the SSPs. The manual reports are also entered in the Commission VMS database. Since the initial activation of the Commission VMS, 134 vessels reported manually until their MTUs were inspected in port. It should be noted that some vessels have delayed in reporting manually until urged by their flag State.

23. Number of vessels by flag that have provided manual position reports.

Flag	2009	2010	2011
China	3	14	2
Ecuador	1		1
Japan		11	2
Korea		2	2
Chinese Taipei	19	59	27
Vanuatu	2		
<b>Total</b>	<b>25</b>	<b>86</b>	<b>34</b>

24. The list of vessels that have provided manual position report is appended in Annex 2.

## Extension of the Commission VMS to waters under national jurisdiction

25. At WCPFC7 the Commission approved CMM WCPFC7 2010-DP27 (Rev 1). The Secretariat was tasked to develop a VMS Template to accommodate applications for Commission VMS to monitor vessel activities in CCMs' national waters. The 1st template was circulated on 18<sup>th</sup> February 2011 for comments and amendments. The latest draft Template has recently been circulated for final comments from CCMs. A number of CCMs have expressed interest in entering into this arrangement to minimize the IUU opportunities in their waters.

26. A copy of the final draft is appended in Annex 3.

### **Commission VMS Security and Data Integrity**

27. Paragraph 7.3.2 of the SSPs requires the WCPFC Secretariat to provide a stable, reliable, fully maintained and supported Commission VMS that conforms to the security standards set out in the Commission's ISP. The WCPFC Secretariat relies on the annual audit ensure the Commission VMS is maintained in accordance with this requirement.

28. Paragraph 6.10 of the SSPs states that the integrity of the Secretariat's VMS data will be verified annually by qualified personnel, exterior to Commission Secretariat staff. The Secretariat has relied on the annual VMS Security Review (SSPs para 6.10) to ensure the security of its system. WCPFC7 agreed to a joint Pacific Island Forum Fisheries Agency (FFA) and Western and Central Pacific Fisheries Commission (WCPFC) Vessel Monitoring System (WCPFC-TCC7-2011/10). The next independent VMS Security Review is planned for 2012. The findings and recommendations of the joint review will be presented in a separate paper.

### **Review of CMM 2007-02**

29. Para. 10 of CMM 2007-02 [Commission Vessel Monitoring System] states,

*"After two years of implementation, the Commission shall conduct a review of the implementation of this Conservation and Management Measure and consider further improvements to the system as required."*

30. The joint Pacific Island Forum Fisheries Agency (FFA) and Western and Central Pacific Fisheries Commission (WCPFC) Vessel Monitoring System was also tasked to review this CMM. Findings and recommendations are included in the reviewers report.

### **SSPs – Resolution of issues relating to bracketed text and proposals for modification**

31. In their current form, some sections of the SSPs constrain the WCPFC Secretariat from effectively managing the Commission VMS. These sections include bracketed text in paragraphs 5.4 and 5.5 of the SSPs, part of paragraph 5.3 and the need for an additional paragraph (7.3.11).

32. Although it was recommended that CCMs work to resolve issues relating to bracketed text in paragraphs 5.4 and 5.5 of the VMS SSPs, the Secretariat has not been advised of any such resolution.

33. At present the WCPFC Secretariat is hampered in its management of the Commission VMS because it does not have administrative rights/privileges that would enable it to better manage the system. This has also been noted in the Joint WCPFC/FFA VMS Review (WCPFC-TCC7-2011-10). Currently there are 3,135 vessels listed on the WCPFC VMS database, 1639 of them report via FFA VMS and the remainder report directly to WCPFC VMS. Only 49% of those reporting directly are visible on the WCPFC VMS the remainders are either in quarantined zones or offline. The Commission is paying for airtime data it cannot access plus a monthly MTU recurring fee of \$18.00 per month per vessel. Further WCPFC is paying for vessels for which it cannot determine the location whether in the Convention Area or in

another ocean and hence validity of invoices cannot be verified as positions in the Convention Area. To remedy this constraint it is proposed that a new section (7.3.11) is added to the SSPs, as follows:

**“The WCPFC Secretariat shall have administrative rights/privileges to all Commission VMS data in order to effectively manage the system.”**

### **Provision of High Seas Data for MCS Operations**

34. WCPFC data rules allow for CCMs undertaking MCS operations to request from the Secretariat high seas vessel position data up to 100 nautical miles adjacent to, and outside their Exclusive Economic Zones. Eight CCMs have requested and received VMS vessel position data for various MCS activities.

### **Eastern High Seas Pocket Special Management Area (EHSP-SMA)**

35. CCM 2010-02 provides for the management of the EHSP. The three CCMs (Cook Islands, Kiribati and French Polynesia) and the WCPFC Secretariat are responsible for this SMA. In June 2011 the Secretariat posted the coordinates of the SMA and advised CCMs and vessel operators of the entering into force CMM 2010-02 specifying the Secretariat’s contact point for entry/exit/transshipment/sightings reports.

36. The management partners (Cook Islands, Kiribati and French Polynesia) and the Secretariat will jointly monitor the SMA for compliance and will follow standard Commission procedures to investigate any anomalies and if necessary undertake compliance enforcement measures.

### **Staff.**

37. The VMS section has 3 staff- the VMS Manager and two VMS Operations Officers (VMSOO). The VMSOO have been assisting CCMs in providing data for MCS activities. One staff attended the FFA VMS Training held in Wollongong NSW, Australia in June 2011. The other attended onsite training at the FFA Regional Surveillance Centre in Honiara, Solomon Islands supporting real time MCS operations such as Operation BigEye.

## ANNEX 1.

The number of vessels by flag in the Commission VMS database

Flag	Active on RFV	Interim Register	VTAF Received	Listed by FFA VMS	Activated by WCPFC	De-activation by WCPFC
Australia	98		13		13	
Belize	8		6	6		
Cambodia		5		6		
Cambodia (Non CCM)				6		
Canada	2					
China	366		243	266	40	8
Chinese Taipei	1,954		796	391	622	26
Cook Islands	26		21	29	1	1
Ecuador	10		8	9	3	2
El Salvador	2		1	2		
EU - Cyprus				2		
EU - France	16					
EU - Lithuania	12			1		
EU - Malta	2			3		
EU - Portugal	10					
EU - Spain	75		23	8	18	
Federated States of Micronesia	31		31	35		
Fiji	95		7	70		
French Polynesia	95					
Indonesia	406		3	8	3	1
Japan	1,329		788	274	590	25
Kiribati	38		13	34		
Korea (Republic of)	277		107	161	10	
Marshall Islands	28		3	28		
New Caledonia	27		20		20	
New Zealand	7		7	4	3	
Panama	66		14	78	2	
Papua New Guinea	38		9	7		
Philippines	613		4	48	4	
Saint Kitts And Nevis (Non CCM)		1				
Sierra Leone (Non CCM)		6		5		
Singapore (Non CCM)		10	2	8		
Solomon Islands	5			1		
Thailand	5		2	5		
Tonga	2					
Tuvalu	9		3	6		
United States of America	167		160	44	144	1
Vanuatu	115		97	88	43	5
	<b>5,934</b>	<b>22</b>	<b>2,381</b>	<b>1,633</b>	<b>1,516</b>	<b>69</b>



## ANNEX 2.

List of vessel that have provided manual position report

Vessel Name	IRCS	FLAG	2009	2010	2011
CAENG CHI TSAI NO.12	BK7517	TW			1
CAENG CHI TSAI NO.12	BK7517	TW			8
CHANG JAAN NO.1	YJSW2	VU	151		
CHARNG SHING YUAN NO.12	BJ4918	TW			12
CHARNG SHING YUAN No.12	BJ4918	TW			96
CHI CHENG NO.11	BJ4795	TW		37	
CHIA CHUN NO.23	BJ4838	TW		45	
CHIA MING SHENG	BK7153	TW	6		
CHIH CHI FENG NO.1	BJ4871	TW	32		
CHIUAN SHENG NO.36	BJ3592	TW	60		6
CHIUAN SHENG NO.36	BJ3592	TW			1
CHUAN YI	BJ4717	TW			7
CHUAN YI	BJ4717	TW			2
CHUNG YIH	BK7110	TW		21	
CHUNG YIH	BK7110	TW			12
CHYUAN SHENQ NO.16	BJ3803	TW		2	
CHYUAN SHENQ NO.16	BJ3803	TW		1	
CHYUAN SHENQ NO.333	BJ3565	TW		9	
CHYUAN SHENQ NO.333	BJ3565	TW		12	
DER HAE NO.2	BJ4980	TW	18		
DER YUH SHENG	BK7143	TW		5	6
DER YUH SHENG	BK7143	TW			56
DONG HORNG	BJ4941	TW		52	
FU YUEN	BJ3367	TW		10	
FUKUYO MARU NO.68	JQNK	JP		138	
FUMI MARU		JP		39	
FWU MAAN TSAIR NO.6	BK6502	TW		1	
GOLDEN NO.301	BJ4896	TW	56	68	
HER HAE NO.26	BJ4994	TW		2	
HORNG JYI TSAIR	BK6821	TW		55	
HORNG MING NO.6	BK6827	TW			25
HORNG SHYANG	BK7403	TW	1		
HORNG YIH FWU NO.268	BJ4593	TW		4	
HSIN MAN CHUN	BJ4485	TW		143	
HSIN YI FA NO.3	BK7506	TW		14	
HUNG FA NO.128	BK7729	TW	28		
JENN FENG MAN NO.1	BK6889	TW		1	
JIA CING LI	BK7717	TW		28	
JIA DER FA 6	BJ4415	TW	6	3	
JIA JYI FA	BK7460	TW		17	
JIN CHING FA NO.16	BJ3555	TW		21	

JIN CHING FA NO.16	BJ3555	TW			21
JIN HO No.23	BJ4894	TW		6	
JIN MAAN SHYANG NO.12	BJ4673	TW		2	
JIN MING YU	BK6852	TW		20	
JIN ROEI FWU NO.6	BJ4502	TW	1	5	
JIN SHENG FENG NO.218	BJ3884	TW		57	6
JIN SHENQ LIH NO.33	BK7484	TW	1	2	
JIN SHYE YIH NO.36	BJ4121	TW		57	
JIN YIH CHERNG	BJ4401	TW		98	
JIN YU SHENG	BJ4220	TW		35	
JING LU YUAN 002	BZZS3	CN		76	
JING LU YUAN 003	BZZS4	CN		70	
JING LU YUAN 005	BZZS6	CN		263	
JING LU YUAN 008	BZZS9	CN		270	
JING YUAN 903	BZZT3	CN		81	
JING YUAN 906	BZZT4	CN		83	
JINN LONG YU	BK6263	TW	1		
JINN LONG YU NO.2	BJ4178	TW	1	22	26
JYI JYI YIH NO.2	BK6808	TW		26	
KOKUSHIN MARU NO.8		JP		2	
KUO RONG NO.136	BJ4912	TW		24	
LIAN FONG YI NO.21	BJ3510	TW			39
LIAN JYI FA	BK6825	TW			68
LIAO JIN LUN 103	BZZB2	CN		64	
LIAO JIN LUN 107	BZZB5	CN		66	
LIAOJINLUN 108	BZTF8	CN		269	
LIAOJINLUN 109	BZTF9	CN		269	
LIAOJINLUN 110	BZTG2	CN		69	
LIAOJINLUN 111	BZTG3	CN		68	
LIEN I HSING NO.116	BJ4828	TW		1	
LIEN YU FA	BJ4584	TW		57	
M.T. HAISOON 5					3
MAAN CHUAN JYI	BK6316	TW		1	
MAAN DAH FENG NO.2	BK6379	TW		2	
MAAN FONG NO.268	BJ4315	TW		1	
MAN FU TSAI NO.1	BK7748	TW		37	
MAN HSIANG HSIN	BK7394	TW	50		
MAN HSIANG HSIN	BK7729	TW	1		
MAN I FENG NO.22	BJ4483	TW			54
MING CHI TSAI NO.16	BJ4329	TW			75
MING FWU TSAIR NO.6	BJ3978	TW		19	11
NINE LUCKY NO.6	YJSY4	VU	6		
NO. 36 CHUAN SHENG	BJ3592	TW	1		
NO.121 DONGWON	6MPX	KR		55	

NO.168 SHENG FU YU	BJ4631	TW		2	
NO.212 DONGWON	6NMC	KR		36	
NO.36 CHIUAN SHENG	BJ3592	CN	32		
NO.36 CHIUAN SHENG	BJ3593	CN	1		
NO.83 AGNES	6LIW	KR			1
NORI MARU		JP		12	
QUIN YUAN YU 010	BZZQ	CN			40
RIASU-MARU	JPYT	JP		19	
RYOYOSHI-MARU No.8	JNQM	JP		11	
SAJO COLUMBIA	6NJU	KR			45
SHANG SHUN NO.668	BI2510	TW			4
SHANG SHUN NO.668	BI2510	TW			6
SHENG CHI HUI No.2	BJ4524	TW		32	
SHENG FU YU NO.168	BJ4631	TW		2	
SHENG I HSING NO.63	BJ4907	TW		4	
SHENG I TSAI NO.368	BJ4889	TW	107		
SHENG JYI HUEI NO.16	BJ4330	TW		24	
SHENQ MAAN SHING NO.10	BK7412	TW		3	
SHIMA MARU NO. 1		JP		11	
SHIMA MARU NO.1		JP			113
SHIN JINN YIH NO.8	BJ4261	TW			5
SHIN RONG SHING NO.3	BK7508	TW		1	
SHIN SHEND HER	BJ4398	TW		17	
SHIN TSAI FA NO.6	BJ4357	TW	5		
SHING MAAN YU	BK6789	TW		8	
SHINYO MARU	7JAO	JP		6	
SHUN HONG	BJ5004	TW		19	
SHUNYO MARU	JETM	JP		1	
TAKE MARU NO.38		JP		6	111
TE LI NO.10	BK7421	TW		43	
TOKUHO MARU NO.21		JP		20	
TZENG GIN SOON NO.288	BJ4128	TW		1	
TZENG JIN SHUENN NO.133	BJ3910	TW			1
UGAVI DOS	HC4593	EC	9		7
WIH CHINQ	BK4278	TW		1	
XIN SHI JI 101	BZ 4UB	CN	702		
XIN SHI JI 12	BZUS9	CN		70	
XIN SHI JI 31	BZVA9	CN		193	
YI SHENG WANG	BJ3565	TW		44	
YI YUAN NO.316	BJ4842	TW		1	
YONG MIN NO.6	BK7106	TW			12
YU JIN NO.136	BK7048	TW			2
YU LONG 2	BJ4874	TW	34		
YU LONG 2	BJ4896	TW	1		

YU TSAIR WANG	BK6712	TW			1
YU WEN NO.101	BZJM	TW		95	
YUE YUAN YU 169	BZXL6	CN			100
YUH CHANG NO.6	BJ4715	TW		19	
YUH YI NO.1	BJ4581	TW		8	

VMS Template Version 03 August 2011

**AGREEMENT BETWEEN**  
**NAME OF COMMISSION MEMBER**  
**AND THE WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION (THE COMMISSION)**  
**CONCERNING THE STANDARDS, SPECIFICATIONS AND PROCEDURES FOR THE APPLICATION OF THE**  
**COMMISSION VMS TO WATERS UNDER THE NATIONAL JURISDICTION OF NAME OF COMMISSION**  
**MEMBER**  
**IN THE COMMISSION VESSEL MONITORING SYSTEM (COMMISSION VMS)**  
 (Hereafter referred to as the "**NAME OF COMMISSION MEMBER**  
 /WCPFC VMS Agreement")

In accordance with Article 24(8) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention), Conservation and Management Measure 2007-02, Standards, Specifications and Procedures adopted by the Commission and Rules of Procedure for access to Data and the WCPFC7 decision on application of the Commission VMS to national waters of CCMs, **Name of Commission Member** and the Western and Central Pacific Fisheries Commission (the Commission) have reached the following Agreement with the objective of fulfilling the request made by **Name of Commission Member** for the application of the Commission VMS to waters under **Name of Commission Member**'s national jurisdiction

**Clause 1**  
**Vessels to be covered**

The application of the Commission VMS to the waters under the national jurisdiction of **Name of Commission Member** shall apply to all vessels subject to the Commission VMS that enter, transit through or occupy **Name of Commission Member** waters, for whatever purpose.

**Clause 2**  
**VMS Data Use**

VMS data under this agreement shall be owned by the Commission and managed by the Secretariat in accordance with security and rules for data access. **Name of Commission Member** shall have access and use of the VMS data generated by the Commission VMS under this Agreement, relating to areas under their national jurisdiction within the Convention Area for monitoring, control and surveillance purposes, subject to the Commission's Rules and Procedures for the Protection, Access to and Dissemination of Data Compiled by the Commission and provided that any additional costs of such data are being borne by the **Name of Commission Member** in accordance with Clause 5.

Access to the VMS position data from vessels to be covered in accordance with Clause 1 shall only be granted to data acquired after the date of signing of Agreement, as determined in para. 4 of Clause 8.

**Clause 3**  
**VMS Data Access**

Access to the VMS data from vessels to be covered in accordance with Clause 1 shall only be granted to the following entities:

- **Authorised Personnel of MCS Entities notified to the WCPFC Secretariat in writing by the Name of Commission Member** in accordance with paragraph 20 of Section 4.4 of the Rules and Procedures for the Protection, Access to and Dissemination of Data Compiled by the Commission;
- The Executive Director and authorised staff at the WCPFC Secretariat;
- **Authorised Personnel of MCS Entities notified to the WCPFC Secretariat in writing by the flag Commission Member** in accordance with paragraph 20 of Section 4.4 of the Rules and Procedures for the Protection, Access to and Dissemination of Data Compiled by the Commission;

#### **Clause 4**

##### **VMS Data Format**

The VMS position data for waters under Name of Commission Member's national jurisdiction is to be provided to the Name of Commission Member in a form other than a "read only" format that allows for the data to be managed.

#### **Clause 5**

##### **VMS Costs and Payments**

Any additional air-time costs for the transmission of all VMS data generated by the Commission VMS for vessels within the waters under the national jurisdiction of Name of Commission Member, and any additional programming costs associated with activating this Agreement within the Commission VMS that are required to meet special needs of this Agreement shall be borne by Name of Commission Member. Payments for air-time resulting from polling rates shall be made half yearly within 30 days of the receipt of invoice from the Commission Secretariat. Payment frequency for air-time costs will be reviewed periodically. Payment for any required additional programming changes to the current system will be made in advance following the receipt by the Name of Commission Member of a functional specification and associated costing from the WCPFC Secretariat. Failure to provide payment for the costs specified in this clause may result in the national jurisdiction of Name of Commission Member being removed from the Commission VMS within 14 days of notification of being in arrears.

#### **Clause 6**

##### **Client Activation**

Name of Commission Member will receive one (1) client-activation to be paid for by the Commission for access to high seas data for their fleets in accordance with WCPFC5. Any client-activation costs associated with Paragraph 6(c) of CMM 2007-02 for inclusion of waters under its national jurisdiction shall be borne by the requesting CMM. Additional client activations to access the system may be requested with costs associated with any additional activation to be borne by the Name of Commission Member at a current cost, which shall be determined by the Commission. The unit cost of client activations shall be annually reviewed to reflect the current policy of the Commission.

#### **Clause 7**

##### **Roles and Responsibilities**

**Name of Commission Member**

The **Name of Commission Member** is responsible for managing the application of the Commission VMS to waters under its national jurisdiction. This responsibility will include the following:

- Nomination of authorised entities and personnel as per the WCPFC Data Rules and procedures recognizing the rights of the WCPFC under Clause 11 of these Rules

### ***Secretariat***

The roles and responsibilities of the WCPFC Secretariat will be in accordance with the WCPFC VMS SSP, where relevant, and Clause 8 below. The Executive Director and authorised staff of the WCPFC Secretariat shall maintain the confidentiality and security of VMS data received through this agreement in a manner no less stringent than the security standards established by the Commission for the Secretariat in its Information Security Policy (ISP).

In addition, on execution of this Agreement, the WCPFC Secretariat will advise all CCMs that the ***Name of Commission Member*** has exercised the option to apply the Commission VMS to waters under its national jurisdiction. The WCPFC Secretariat will also maintain an updated list of all Commission Members that have access to Commission VMS data in their waters on the secure section of the WCPFC website.

### **Clause 8** **Standards, Specifications and Procedures (SSP)**

For application of the Commission VMS to the waters under the national jurisdiction of ***Name of Commission Member*** the current SSP for the Commission VMS shall apply, where relevant, with the following additional requirements under section 5 of the SSPs.

1. The Commission VMS shall include an automated alert to report when vessels enter or exit the ***Name of Commission Member*** EEZ. Vessels subject to the Commission's VMS must be reporting to the Commission VMS through automatic means upon entry into the ***Name of Commission Member*** EEZ and continue reporting while in waters under the national jurisdiction of ***Name of Commission Member***.
2. While in waters under the national jurisdiction of ***Name of Commission Member*** vessels subject to the Commission's VMS must transmit automated position data to the Commission VMS according to the WCPFC VMS SSPs.
- 3.
4. ***Name of Commission Member*** shall provide to WCPFC Secretariat upon signature of this Agreement, its EEZ geographical coordinates, with the indication of any areas where the EEZ boundaries are not yet defined ("grey area")

WCPFC Secretariat shall within thirty (30) days of the conclusion of this Agreement, circulate the EEZ geographical coordinates submitted in accordance with sub paragraph 4 above to all Commission members.

### **Clause 9** **Dispute Settlement**

Any dispute arising from implementation of this Agreement shall be settled by negotiation between ***Name of Commission Member*** and the WCPFC. In the case that Parties are not able to settle the dispute within three (3) months, this Agreement shall terminate automatically.

**Clause 10**

**Amendments**

The Agreement may be amended in writing by the mutual consent of the Parties noted in Clause 9.

**Clause 11**

**Termination**

This Agreement shall remain in force until one Party gives written notice of its intention to terminate it, in which case this Agreement shall terminate one month after receipt of the notice of termination. The termination of this Agreement in accordance with this clause shall not affect liabilities incurred under the Agreement before its termination.

**Clause 12**

**Authorities**

Executed on behalf of the Government of ***Name of Commission Member*** by .....

Signed

\_\_\_\_\_

Title

Government of ***Name of Commission Member***

Date \_\_\_\_\_

Executed on behalf of the Commission by.....

Signed

\_\_\_\_\_

Executive Director

Date \_\_\_\_\_



**ANNEX 1**

**Name of Commission Member designated contact point and MCS Entity (ies)**

For the purposes of administration of the *Agreement between Name of Commission Member and the Western and Central Pacific Fisheries Commission (the Commission) concerning the standards, specifications and procedures for the inclusion of the waters under the national jurisdiction of Name of Commission Member in the Commission Vessel Monitoring System (Commission VMS)* the following is the designated contact point and to be considered as an MCS Entity for access to non-public domain data in accordance with paragraphs 11 and 12 of the Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes

**Name of Commission Member**

Name(s) \_\_\_\_\_

Position(s) \_\_\_\_\_

Phone Number (s):

Fax Number(s):

E-mail Address(s):

## **Attachment X**



**Seventh Regular Session  
Honolulu, Hawaii, USA  
6–10 December 2010**

**US PROPOSAL FOR APPLICATION OF THE COMMISSION VMS TO NATIONAL  
WATERS OF CCMs  
WCPFC7-2010-DP/27 Rev 1  
10 December 2010  
Paper prepared by USA**

US Proposal for Application of the Commission VMS to national waters of CCMs:

In order to ensure a transparent process in accordance with Article 24(8) of the WCPF Convention and Paragraph 6(c) of CMM 2007-02 we recommend that the following decisions be adopted at this meeting:

1. The Commission approved the application of the Commission VMS, pursuant to Article 24(8) of the WCPF Convention and Paragraph 6(c) of CMM 2007-02, to the national waters of all Commission Members that request such application.
2. A Commission Member's decision to exercise the option to apply the Commission VMS to its waters will not affect, impair or invalidate its participation in any other future or existing national or regional VMS program. Nothing in this decision in any way affects, impairs or invalidates the operation of VMS programs within the waters under national jurisdiction, which, as stated in the SSPs, shall be the exclusive responsibility of the coastal State.
3. The Secretariat will provide notification to all CCMs when any Commission Member exercises the option to apply the Commission VMS to its national waters. The Secretariat will maintain an updated list of all CCMs that have access to Commission VMS data in their waters on the secure area of the WCPFC website.
4. The Secretariat will develop a template agreement, for Commission review and approval, which will be used for all Commission Members exercising this option. The template agreement will address details regarding the application of the Commission VMS to the individual Commission Member's waters, including any costs that may be associated.