

CC-04-13

4th Compliance Committee of the South Indian Ocean Fisheries Agreement
(CC4)

09-11 November 2020 (online)

Proposal for a Conservation and Management Measure for the
establishment of the Vessel Monitoring System in the SIOFA Area

Relates to agenda item: 4.2

Working paper ☒ Info paper ☐

Delegation of the European Union

Abstract

MoP5 agreed to develop a SIOFA Vessel Monitoring System. Some basic VMS provisions are contained in paragraphs 4 to 13 of CMM 2018/10. The purpose of this proposal is to provide a more complete framework covering all key aspects of the SIOFA VMS. The proposal is a revised version of the proposal submitted by the EU to MoP6 in 2019 (MoP6-Prop06). It incorporates comments received from other CCPs and seeks to bring more clarity in relation to the scope of application, definitions, nature and specifications of the VMS, prevention of tampering and actions in case of suspected breach, use and release of VMS data requiring / not requiring the consent of CCPs, closed and interim protected areas, as well as data security and confidentiality.

Recommendations *(working papers only)*

1. CC4 is invited to review and discuss the proposed CMM for the establishment of the Vessel Monitoring System in the SIOFA Area.
 2. CC4 is invited to recommend to MoP to establish an intersessional process under the guidance of the CC Chair to progress work on the establishment of a SIOFA VMS.
-

*EU proposal for a Conservation and Management Measure
for the establishment of the Vessel Monitoring System in the SIOFA Area*
[EU proposal]

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement:

RECALLING Article 6(1)(h) of the Southern Indian Ocean Fisheries Agreement (SIOFA) which ~~calls for~~requires the Meeting of the Parties to develop rules and procedures for the monitoring, control and surveillance of fishing activities in order to ensure compliance with conservation and management measures adopted by the Meeting of the Parties including, where appropriate, a system of verification incorporating vessel monitoring and observation of vessels operating in the Agreement Area;

MINDFUL of Article 18(3)~~(e)~~ of the 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 (UNFSA) which outlines the duties of the flag State, including ~~are~~ to take measures to ensure recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data, and to ensure the monitoring, control and surveillance of vessels, their fishing operations and related activities by, inter alia, the development and implementation of vessel monitoring systems;

FURTHER MINDFUL of the importance of international cooperation in the fight against illegal, unreported and unregulated (IUU) fishing, in particular through the exchange of information and effective monitoring, control and surveillance;

RECALLING ~~the~~ Article 13 of the SIOFA Conservation and management measure for the Monitoring of Fisheries in the Agreement Area (CMM 2019~~8~~/10) to develop specifications and propose rules and procedures for the establishment of a SIOFA Vessel Monitoring System;

~~FURTHER~~ MINDFUL of the key principles upon which the vessel monitoring system should be~~is~~ based, including the confidentiality and security of information handled by the system, and its efficiency, cost-effectiveness and flexibility;

ADOPTS the following Conservation and Management Measures~~s~~ (CMM) in accordance with Articles 4 and 6 of the Agreement:

Objective

1. The main objective of the SIOFA Vessel Monitoring System (VMS) is to monitor in an automatic, continuous and ~~a~~ cost-effective manner the movements and activity of fishing vessels operating in the SIOFA Agreement Area to ensure compliance with SIOFA CMMs~~—~~. The SIOFA VMS shall be administered by the SIOFA Secretariat under the guidance of the Meeting of the Parties.

Application and definitions

2. The SIOFA VMS shall apply to all fishing vessels flying the flag of a Contracting Party, cooperating non-Contracting Party or participating fishing entity (CCP) that are on the SIOFA Record of Authorised Vessels ~~and are authorised by Contracting Parties, cooperating non-Contracting Parties (CNCPs) and participating fishing entities (PFEs)~~ while these fishing vessels are operating in the ~~SIOFA Agreement Area~~ as defined in ~~Article~~ 3 of the Agreement.
3. The following definitions shall apply to this ~~CMM conservation measure~~:
 - a) “Automatic location communicator” (ALC) means a satellite-based on-board device that is capable of continuously, automatically and independently of any intervention of the vessel, transmitting the VMS ~~position reports data~~;
 - b) “Fisheries monitoring centre” (FMC) means the ~~government~~ authority or agency of a Flag State responsible for managing the VMS for its flagged fishing vessels;
 - c) “Vessel Monitoring System” (VMS) means a satellite-based monitoring system which, at regular intervals, provides VMS ~~position reports data~~;
 - c)bis. “SIOFA VMS” means the SIOFA Vessel Monitoring System established under this CMM;
 - d) “Manual reporting” means the transmission via alternative means (email, facsimile, telex, telephone message or radio) of the position reporting of a fishing vessel when an ALC fails to transmit VMS data;
 - e) VMS position reports include:
 - i. the fishing vessel’s identification number as required by CMM ~~2017~~2019/07 (Vessel Authorisation) (IRCS and IMO ~~if available~~);
 - ii. Flag of the fishing vessel;
 - iii. the current geographical position (latitude and longitude) of the vessel;
 - iv. the date and time (UTC) of the fixing of the position of the vessel;
 - v. the vessel’s speed; and
 - vi. the vessel’s course.

Nature and Specifications of the SIOFA VMS

4. Each ~~Contracting Party, CNCP and PFE~~CCP shall ensure that ~~all its~~ fishing vessels flying their flag, authorised in accordance with Conservation Measure ~~2019~~2017/07 (Vessel Authorisation), are fitted with an operational ALC that complies with the minimum standards for ALCs described in Annex 1.
5. Except as provided for in paragraph 25 of CMM 2019/15 (Management of Demersal Stocks), ~~Each Contracting Party, CNCP and PFE~~CCP shall require all fishing vessels flying ~~its~~their flag to report VMS data automatically to their FMC at least every two hours ~~while~~when they are ~~present~~operating in the SIOFA area. Each ~~Contracting Party, CNCP and PFE~~CCP shall forward these data to the SIOFA Secretariat without delay but not later than one hour after receipt.

6. ~~[Under normal satellite navigation operating conditions, positions derived from the data reported must be accurate to within 100 metres.]~~
7. ~~[Each Contracting Party, CNCP and PFE shall ensure that any VMS reports and messages transmitted to the Secretariat shall be in accordance with the data exchange format described in Annex 2]~~

7bis. All CCPs, the Secretariat, the SIOFA VMS provider and the Scientific Committee and its subsidiary bodies shall manage VMS data in accordance with the Security and Confidentiality Requirements in Annex [3] of this CMM, and with the procedures for the safeguard of records set out in paragraph 3 and the requirements for data submitted to the Scientific Committee set out in paragraphs 4 and 5 of CMM 2016/03 (Data Confidentiality). Data ownership shall remain solely with the flag CCP that has provided it.

8. Each ~~Contracting Party, CNCP and PFE~~CCP shall ensure that its FMC can automatically receive and transmit VMS data from ALCs and in case of system failures, shall provide backup and recovery procedures.
9. Each ~~Contracting Party, CNCP and PFE~~CCP shall provide the Secretariat with the name, address, email, telephone and facsimile numbers of the relevant authorities of its FMC. Each ~~Contracting Party, CNCP and PFE~~CCP shall promptly notify the Secretariat of any changes to these details and the Secretariat shall circulate this information to the other ~~Contracting Party, CNCP and PFE~~CCPs.
10. Each ~~Contracting Party, CNCP and PFE~~CCP shall ensure that in vessels flying their flag:
 - a) the ALC is not tampered with in any way;
 - b) VMS data are not altered in any way;
 - c) the antenna or antennae is are connected to the ALC and ~~is~~ not obstructed in any way;
 - d) the power supply of the ALC is not interrupted in any way; and
 - e) the ALC is not removed from the vessel except for the purpose set out in paragraph 3 of Annex [3].

Procedure for manual reporting

10bis. In the event of failure of automatic reporting, the procedure outlined in Annex [2] of this CMM shall apply.

Measures to prevent tampering with ALCs

10ter. Each CPP shall ensure that the ALCs fitted on board vessels flying its flag are tamper resistant, that is, are of a type of and configuration that prevent the input or output of false positions, and that they are not capable of being over-ridden, whether manually, electronically or otherwise, in accordance with the minimum standards for ALCs set out in Annex 1.

11. It shall be prohibited to destroy, damage, switch off, render inoperative or otherwise interfere with the ALC, unless the competent authorities of the ~~Flag Contracting Party, CNCP and PFE~~CCP have authorised its repair or replacement.
12. In the event that a ~~Contracting Party, CNCP and PFE~~CCP or the Secretariat obtains information that indicates an ALC on board a fishing vessel operating in the Agreement Area does not meet the requirements of Annex 1 or there is evidence that the ALC has been tampered with, it shall immediately notify the Secretariat and the fishing vessel's Flag ~~State~~CCP, and:-
- a) in the event that the ALC is installed on board a vessel flying the flag of another CCP, the CCP shall notify the Flag CCP concerned;
 - b) in the event the vessel is flagged to the CCP, it shall:
 - i. investigate the suspected breach of this measure as soon as possible;
 - ii. depending on the outcome of the investigation, if necessary suspend the vessel from fishing until an ALC that meets the specifications outlined in Annex 1 is operational on board the vessel; and
 - iii. communicate actions taken to the Meeting of the Parties, including the outcome of the investigation [within 30 days of its completion].
13. ~~If a CCP obtains information A vessel whose that the ALC on board a fishing vessel flying their flag has been~~was tampered with, ~~that CCP shall investigate and be immediately called that vessel back to port by the Flag Contracting Party, CNCP or PFE.~~

13bis. Nothing in this measure shall prevent a CCP from applying additional or more stringent measures to prevent tampering of ALCs on board vessels flying its flag.

~~Procedures for technical failure or non-operation of the ALC~~

14. ~~[In the event of a technical failure or non-operation of the ALC fitted on board a vessel, the device shall be repaired or replaced within [30] days. If the trip is lasting more than [30] days, the repair or the replacement shall take place as soon as practicable after the vessel enters a port. If the ALC has not been repaired or replaced within [90] days, the Contracting Party, CNCP or PFE shall order the vessel to cease fishing, stow all fishing gear and return immediately to port in order to undertake repairs. The vessel shall not be authorised to begin a new trip without an ALC having been repaired or replaced.]~~
15. ~~[If an ALC fails to transmit VMS data, the master of the fishing vessel shall manually report to its FMC at least every [four] hours in accordance with Annex 3 of this CMM. The FMC will transmit the data to the Secretariat without delay.]~~

Use and Release of VMS Data Requiring the Permission of the CCP

15bis. All requests for access to VMS data must be made to the Secretariat by a VMS Point of Contact, as specified in paragraph 6 of Annex [3] of this CMM, and in accordance with the procedures set out in [15sexies to 15decies and Annex 4]. Other than the specific purposes set out in paragraph [15quinquies] of this CMM, the Secretariat shall only provide VMS data to a requesting CCP where the VMS data relates to vessels flagged to other CCPs that have provided prior written consent through their VMS Point of Contact for the data to be shared.

15ter. A CCP may request VMS data for their own flagged vessels from the Secretariat and for the purposes described in paragraph [15quinquies].

15quater. Other than the purposes set out in paragraph [15quinquies] of this CMM, VMS data may also be requested by the SIOFA Scientific Committee and its subsidiary bodies for the purpose of supporting specific scientific advice requested by the Meeting of the Parties to ensure sound fisheries management decision-making in the SIOFA Area.

Use and Release of VMS Data not Requiring the Consent of the CCP

15quinquies. Upon request of a Contracting Party, CNCP or PFE, as applicable, the Secretariat shall only provide VMS data in accordance with the procedure of paragraphs [15sexies to 15decies and Annex [4]] of this CMM without the permission of the CCP for the exclusive purposes of:

- a) planning for active surveillance operations and/or inspections at sea within 72 hours of the expected start of the operations;
- b) active surveillance operations and/or inspections at sea;
- c) supporting search and rescue activities undertaken by a competent Maritime Rescue Coordination Centre (MRCC) subject to the terms of any Arrangement between the Secretariat and the competent MRCC.

15sexies. For the purpose of implementing paragraph [15quinquies a) and b)]:

- a) Inspections at sea will be undertaken in accordance with CMM 2019/14 (High Seas Boarding and Inspection Procedures);
- b) each CCP shall only make available such VMS data to a Contracting Party Authorised Inspector, and any other government officials for whom it is deemed necessary to access the data;
- c) VMS data relevant to the planned or active surveillance operations and/or inspections at sea shall be transmitted by the VMS Point of Contact of the CCP to the inspectors and government officials in charge of the operations referred to in paragraph [15quinquies a) and b)];
- d) Contracting Parties shall ensure that such inspectors and government officials keep the data confidential and only use the data for the purposes described in paragraph [15quinquies a) and b)];

- e) Contracting Parties may retain VMS data provided by the Secretariat for the purposes described in paragraph [15quinquies a) and b)] until 24 hours after the time that the active operation has concluded. Except in the circumstances outlined in paragraph [15sexies f)], Contracting Parties shall submit a written confirmation to the Secretariat of the deletion of the VMS data immediately after the 24 hours' period;
- f) Contracting Parties' Authorised Inspectors and government officials authorities may retain VMS data provided by the Secretariat for the purposes described in paragraph [15quinquies a) and b)] for longer than the periods specified in paragraph [15sexies e)] only if it is part of an investigation, judicial or administrative proceeding of an alleged violation of the provisions of the Agreement, any CMMs or decisions adopted by the Meeting of the Parties, or domestic laws and regulations. Contracting Parties shall inform the Secretariat of the purposes and expected timing of the additional period of data retention.

15septies. For the purpose of paragraph [15quinquies a)], Contracting Parties requesting VMS data shall provide the Secretariat the geographic area of the planned surveillance and/or inspection activity. In this case, Contracting Parties' Authorised Inspectors and government officials shall advise the Secretariat at least 72 hours in advance of the planned commencement of Monitoring, Control and Surveillance (MCS) activities in the notified geographic area of the high seas areas of the Agreement Area. In the event that the MCS activities will no longer take place or if the notified geographic area of the high seas has changed, the Secretariat shall be promptly notified.

15octies. For the purpose of paragraph [15quinquies b)], the Secretariat shall provide VMS data for vessels detected during surveillance, and/or inspection activity. Contracting Parties conducting the active surveillance and/or inspection activity shall provide the Secretariat and the VMS Point of Contact of the CCP with a report including the name of the vessel or aircraft on active surveillance and/or inspection activity. This information shall be made available without undue delay after the surveillance and/or inspection activities are complete.

15nonies. For the purpose of paragraph [15quinquies c)], upon the request of a CCP, the Secretariat shall provide VMS data without the permission of the other CCP for the purposes of supporting search and rescue activities undertaken by a competent MRCC subject to the terms of an arrangement between the Secretariat and the competent MRCC. The CCP requesting the information shall ensure that the data will only be used only for the purposes described in this paragraph.

Use and Release of VMS Data

16. ~~[Data collected by the SIOFA VMS shall be securely stored by the Secretariat, and shall be used by Contracting Parties, CNCs and PFEs to monitor compliance with CMMs.]~~

17. ~~[VMS data may also be used by the Scientific Committee for analysis to support specific scientific advice requested by the Meeting of the Parties for sound fisheries management decision making in the SIOFA Area.]~~
18. ~~[Upon a request from a Contracting Party, CNCP and PFE, the Secretariat shall provide VMS data of all vessels in a specific area or the exclusive purposes of active surveillance operations and/or inspections at sea undertaken by a Contracting Party, CNCP and PFE in a specified SIOFA subarea or division.]~~
19. ~~[Contracting Parties, CNCPs and PFEs requesting the VMS data for the purposes of paragraph 17 shall provide the geographic area of the planned surveillance and/or SIOFA inspection activity. In this case, the Secretariat shall provide the most recent available VMS data for the identified geographic area at a specified point in time no more than 48 hours prior to the commencement of each surveillance and/or SIOFA inspection activity. In the event that the planned surveillance and/or SIOFA inspection activity does not proceed, the Contracting Party, CNCP and PFE will notify the Secretariat and destroy the data, and confirm the data destruction to the Secretariat in writing, without delay.]~~
20. ~~[The Secretariat shall provide VMS data in accordance with the Security and Confidentiality Requirements in Annex 4 of this CMM and CMM 2016/03 (Data Confidentiality).]~~

~~VMS data transmission failure or lack of consistency~~Closed areas and interim protected areas

21. ~~[When the Secretariat has not received VMS data for [12] consecutive hours, it shall notify the Flag State of the fishing vessel. The Flag State will provide an explanation for the VMS data transmission failure within [5] working days. The Secretariat shall advise the Meeting of the Parties if the missing VMS data and the Flag State's explanation is not received from the Contracting Party, CNCP and PFE within [5] working days.]~~
22. If VMS data received by the Secretariat indicates the presence of a fishing vessel, excluding those using line and trap methods, in closed areas or in an interim protected area, as defined in paragraph 35 and Annex 3 of CMM 2019/01 (Interim Management of Bottom Fishing), ~~subarea or division for which no licence details have been provided by the Flag State to the Secretariat, or in any subarea or division for which the Flag State or fishing vessel has not provided prior notification,~~ the Secretariat shall notify the Flag ~~State~~CCP. The Flag ~~CCP State will~~shall investigate the matter and provide an explanation within [5] working days to the Secretariat. The explanation shall be provided by the Secretariat to the ~~Meeting of the Parties~~Compliance Committee for consideration at its next annual meeting.

Review

23. Before each annual Meeting of the Parties, the Secretariat shall provide the Meeting of the Parties with a report on the implementation of, and compliance with, this CMM.

24. After two years of implementation, the ~~Commission~~Meeting of the Parties shall conduct a review of this CMM and consider improving it as appropriate.
25. [Paragraphs 4 to 13 of CMM 2019~~8~~/10 (Monitoring) are superseded and replaced by this CMM.]

Annex 1
Minimum standards for Automatic Location Communicators (ALCs) used in SIOFA's Vessel Monitoring System (VMS)

1. The Automatic Location Communicator (ALC) shall continuously, automatically and independently of any intervention by the fishing vessel, communicate VMS data referred to in paragraph 3(e) of this conservation measure.
2. The data referred to in paragraph 3(e) shall be obtained from a satellite-based positioning system.
3. ALCs fitted to fishing vessels must be capable of transmitting data referred to in paragraph 3(e) at least every [fifteen minutes]/[hourly].
4. ALCs fitted to fishing vessels must be tamper-proof so as to preserve the security and integrity of data referred to in paragraph 3(e).
5. Storage of information within the ALC must be safe, secure and integrated within a single unit under normal operating conditions.
6. It must not be reasonably possible for anyone, other than the Fisheries Monitoring Centre (FMC), to alter any of the VMS data stored in the ALC, including the frequency of position reporting to the FMC.
7. Any features built into the ALC or terminal software to assist with servicing shall not allow unauthorised access to any areas of the ALC that could potentially compromise the operation of the VMS.
8. ALCs shall be installed on fishing vessels in accordance with the manufacturer's specifications and applicable standards.
9. Under normal satellite navigation operating conditions, positions derived from the data forwarded must be accurate to within 100 metres ($2 \times \text{Distance Root Mean Squared}$; 2DRMS), i.e. 99 per cent of the positions must be within this range.
10. The ALC and/or forwarding service provider must be able to support the ability for data to be sent to multiple independent destinations.
11. The satellite navigation decoder and transmitter shall be fully integrated and housed in the same tamper-proof physical enclosure.

Annex 2

Transmission of VMS messages to the SIOFA secretariat

Mandatory and optional data elements to be recorded in the position reports in UN/FLUX format are listed below. The data transmitted in UN/FLUX format is structured as explained in the Vessel Position Implementation Document [Annex 5].

Data elements	Mandatory/ Optional	Observations
Addressee	M	Detail of the message — 3 alpha code of the country (ISO 3166). NB: it is part of the FLUX TL envelope.
Sender	M	Detail of the message — 3 alpha code of the Sender (ISO 3166)
Unique message identifier	M	UUID as defined by IETF in the RFC 4122
Message creation date and time	M	Detail of the message — Date and time of the creation of the message (UTC) in conformity with ISO 8601 standard and by using the format YYYY-MM-DDThh:mm:ssZ
Flag State	M	Detail of the vessel — 3 alpha code of the flag state (ISO 3166)
Type of position report	M	Detail of the position of the vessel — Type of position report (ENTRY, POS, EXIT, MANUAL)
Radio call sign	M	Detail of the vessel — International radio call sign (IRCS)
Internal vessel registration number	O	Detail of the vessel — unique number of the CCP (3 alpha code of the country (ISO 3166) followed by a number.
External Marking	O	Detail of the vessel — hull number (using ISO 8859.1 character set)
IMO number	M (if available)	Detail of the vessel — IMO number allocated by IHS Maritime and Trade
Latitude	M	Detail of the position of the vessel — position in decimal degrees DD.dddd (WGS 84). Positive coordinates for the positions North of the Equator; Negative coordinates for the positions South of the equator.

Longitude	M	Detail of the position of the vessel — position in decimal degrees DDD.dddd (WGS 84). Positive coordinates East of Greenwich meridian; Negative coordinates West of Greenwich meridian.
Course	M	Detail of the position of the vessel — Heading of the vessel using a scale of 360 degrees at the time of recording the position
Speed	M	Detail of the position of the vessel — Speed over ground of the vessel in knots at the time of recording the position
Date and time of the position	M	Detail of the position of the vessel — Date and time of recording of the position in UTC in conformity with ISO 8601 standard and using the format YYYY-MM-DDThh:mm:ssZ

Annex [32]

SIOFA Rules on the manual reporting in the SIOFA Area

1. In the event of non-reception of four consecutive, expected programmed VMS positions, and where the Secretariat has exhausted all reasonable steps¹ to re-establish normal automatic reception of VMS positions, the Secretariat shall notify the ~~Contracting Parties, CNCPs and PFEs~~CCP whose flag the vessel is flying. That ~~Contracting Parties, CNCPs, and PFEs~~CCP shall immediately notify the vessel Master and direct the ~~vessel~~ Master to begin manual reporting.
2. The manual report shall be sent by the vessel to the Secretariat via their FMC.
3. Following the receipt of a direction from a ~~Contracting Party, CNCP, and PFE~~CCP to a vessel to begin manually reporting in accordance with paragraph 1 of this Annex, the ~~Contracting Party, CNCP, and PFE~~CCP of the vessel shall ensure that the vessel Master manually reports its position every [four] hours. These manual reports shall include the up-to-date geographical coordinates referred to in paragraph 3(e) of this CMM. If automatic reporting to the SIOFA VMS has not been re-established within [60] days of the commencement of manual reporting that ~~Contracting Party, CNCP, and PFE~~CCP shall order the vessel to cease fishing, stow all fishing gear and return immediately to port in order to undertake repairs or replacement.
- 3bis. Following a technical failure or non-functioning of the satellite-tracking device, a fishing vessel may only leave port once the ALC fitted on board is fully functioning to the satisfaction of the competent authorities of the flag CCP. By derogation, the FMC of the flag CCP may authorise their fishing vessels to leave the port with a non-functioning satellite-tracking device for its repair or replacement.
4. The vessel may recommence fishing in the ~~SIOFA area~~Agreement Area only when the ALC has been confirmed as operational by the ~~Secretariat~~FMC. Four consecutive, programmed VMS positions must have been received by the ~~Secretariat~~FMC to confirm that the ALC is fully operational.
5. The format for manual reports to be used is as below. Vessels are encouraged to use email as the primary means of communication and shall send these messages to [xxxx@siofa.org].
6. The standard format for manual position reporting in the event of ALC malfunction or failure shall be as follows:
 - a) IMO number (if applicable),
 - b) International Radio Call Sign,

¹ The CCP, in coordination with the Secretariat and through communication with the vessel master as appropriate, shall endeavour to re-establish normal automatic reception of VMS positions. If such efforts reveal that the vessel is successfully reporting to the CCP's VMS (indicating that the vessel's ALC hardware is functional), the Secretariat, in coordination with the CCP will take additional steps to re-establish automatic reporting to the SIOFA VMS.

- c) Vessel Name,
- d) Position Date (UTC),
- e) Position Time (UTC)
- f) Latitude (with at least the level of accuracy specified at paragraph [6] of this CMM),
- g) Longitude (with at least the level of accuracy specified at paragraph [6] of this CMM), and
- h) Activity (Fishing/Transit/Transshipping).

7. ~~Contracting Parties, CNCPs, and PFECCPs~~ are encouraged to carry more than one ALC when operating in the SIOFA area in order to avoid the need to manually report if the primary ALC fails.

~~8. The Secretariat shall publicise vessels that are reporting in accordance with this Annex on the SIOFA Website.~~

Annex [43]
Security and Confidentiality Requirements

1. The provisions of this Annex shall apply to all VMS data received pursuant to this CMM.
2. All VMS data received by the ~~Commission~~ SIOFA VMS shall be treated as confidential information.
3. All ~~Contracting Parties, CNCPs, PFECCPs~~, the Secretariat and the SIOFA's VMS provider shall ensure the secure treatment of VMS data in their respective electronic data processing facilities, in particular where the processing involves transmission over a network.
4. All ~~Contracting Parties, CNCPs, PFECCPs~~ and the Secretariat shall implement appropriate technical and organisational measures to protect reports and messages against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, and against all inappropriate forms of processing. The following features shall be mandatory:
 - a) System access control: the system has to withstand a break-in attempt from unauthorised persons;
 - b) Authenticity and data access control: the system has to be able to limit the access of authorised parties to only the data necessary for their task, via a flexible user identification and password mechanism;
 - c) VMS data must be securely communicated: communication between ~~Contracting Parties, CNCPs, PFECCPs~~ and the Secretariat or the SIOFA VMS provider for the purpose of this CMM shall use secure Internet protocols SSL, DES or verified certificates obtained from the Secretariat;
 - d) Data security: all VMS data that enter the system must be securely stored for the required time, and shall not be tampered with;
 - e) The Secretariat shall design security procedures to address access to the system (both hardware and software), system administration and maintenance, backup and general usage of the system for consideration by the Meeting of the Parties.
5. ~~Contracting Parties, CNCPs and PFECCPs as applicable~~ shall submit a written confirmation of the deletion of the VMS data in accordance with this CMM. The Secretariat shall take all the necessary steps to ensure that the requirements pertaining to the deletion of VMS data handled by the Secretariat are complied with.

5bis. Each CCP and the Secretariat shall nominate a security system administrator. The security system administrator shall review the log files generated by the software for which they are responsible, properly maintain the system security for which they are responsible, restrict access to the system for which they are responsible as

deemed needed and, in the case of CCPs, also act as a liaison with the Secretariat in order to solve security matters.

6. Each ~~Contracting Party, CNCP and PFECCP~~ shall designate a Point of Contact for the purposes of any communication regarding the VMS system ("VMS Point of Contact"). Any subsequent changes to the contact information shall be notified to the Secretariat within [21] days after such changes take effect. The Secretariat shall promptly notify ~~Contracting Parties, CNCPs and PFECCPs~~ of any such changes.
7. The Secretariat shall establish and maintain a register of VMS Points of Contact based on the information submitted by the ~~Contracting Parties, CNCPs and PFECCPs~~. The register and any subsequent changes shall be published promptly on the ~~"Members"~~non-public area of the SIOFA website.
8. The Secretariat shall inform all ~~Contracting Parties, CNCPs and PFECCPs~~ of the measures taken by the Secretariat to comply with these security and confidentiality requirement provisions at the annual meeting following the establishment of the SIOFA VMS. Such measures shall ensure a level of security appropriate to the risks represented by the processing of VMS data.
9. Submission of VMS data for the purpose of this CMM shall use cryptographic protocols to ensure secure communications.
10. The ~~Security System Administrator of the~~ Secretariat shall permit the periodic review of the log files generated by the software by an authorised person, and facilitate the properly ongoing maintenance in. ~~The Secretariat shall maintain~~ the system security, and authorise restricted access to the system as deemed necessary. ~~The Security System Administrator shall also act as a liaison between the~~ VMS Points of Contact shall resolve any security matters by directly contacting ~~and~~ the Secretariat in as short a time as possible when such ~~order to resolve security matters arise.~~

Annex 4

Process for the Use and Release of VMS Data

1. A Contracting Party, CNCP or PFE, as applicable, or as established in the arrangement between the Secretariat and the competent MRCC, seeking access to SIOFA VMS data for the purposes outlined in paragraphs [15bis and 15quinquies] of this CMM shall forward a request to the Secretariat by electronic means, through its VMS Point(s) of Contact and using the appropriate template available via the non-public area of the SIOFA website. The request shall indicate the purpose(s) for which the data is sought and the time period covered by the VMS data and the commitment from the requesting Contracting Party, CNCP or PFE to respect the Security and Confidentiality requirements of Annex [3] of this CMM as applicable. The request must be submitted at least 5 working days in advance of the intended use except for the purposes of [15quinquies] of this CMM.
2. Paragraph 1 of this Annex shall apply *mutatis mutandis* to requests from the Scientific Committee and its subsidiary bodies for the purpose outlined in paragraph [15quater] of this CMM. Such requests shall be submitted by the Chair of the Scientific Committee.

Use and Release of VMS Data Requiring the Permission of the CCP

3. For the purposes of paragraphs [15bis, 15ter and 15quater] of this CMM, the Secretariat shall immediately forward the request to the relevant VMS Point(s) of Contact from whom access to VMS data is requested. The release of the VMS data shall only be permitted with approval from the CCP who owns the VMS data. A CCP who refuses the request for VMS shall send the reasons for the refusal in writing to the Secretariat within 15 days of the communication of the request by the Secretariat.
4. CCPs may restrict access to their VMS data to exclude fleets, individual vessels, geographical areas, time periods and others subject to the capacity of the Secretariat and/or their contracted VMS provider to filter the data.
5. VMS data shall only be used for the purpose(s) indicated in the request and which are agreed by the CCP providing the data and shall not be disclosed in full or in part to any third party. Any additional restrictions for VMS data access established by CCPs in accordance with paragraph 4 of this Annex shall also be complied with.

Use and Release of VMS Data not Requiring the Permission of the CCP

6. For the purposes of [15quinquies] of this CMM, the Secretariat shall, no later than 7 days after the provision of VMS data, inform the VMS Points of Contact for which access to VMS data has been requested:
 - a) The requesting CCP or MRCC;
 - b) The date the request was made to the Secretariat;

- c) The proposed purpose for the use of that VMS data²;
 - d) The anticipated length of time that the VMS data will be required³.
7. In accordance with paragraph [15sexies f)] of this CMM, in the event of retention of the VMS data for longer periods than specified in the request, the Secretariat shall immediately inform the relevant VMS Points of Contact of the purposes of the retention and its expected timing.
 8. The Secretariat shall immediately notify the relevant VMS Points of Contact when the requesting CCP or MRCC has ceased their use of that VMS data.
 9. The Secretariat shall maintain a record of the requests received regarding use and release of VMS data for the purposes of paragraph [15quiquies] of this CMM including the requesting CCP or MRCC, date of the request, purpose and length of time for which the data was required. The Secretariat shall include in the report on the implementation and operation of the Commission VMS of paragraph [23] of this CMM information on the number and purposes of VMS data access requests received.

² Proposed purpose' means the purpose identified by the requesting CCP or MRCC pursuant to paragraph [15quinquies] of this CMM.

³ This shall not include spatial and temporal operational details.