

# **Fisheries and Marine Resources (Vessel Monitoring System) Regulations 2022**

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## **THE FISHERIES AND MARINE RESOURCES ACT**

### **Regulations made by the Minister under section 74(1)(e) and (k) of the Fisheries and Marine Resources Act**

1. These regulations may be cited as the **Fisheries and Marine Resources (Vessel Monitoring System) Regulations 2022**.

2. In these regulations -

"Act" means the Fisheries and Marine Resources Act;

"approved vessel tracking unit" means any vessel tracking unit that meets the appropriate technical standards and requirements set out in the Schedule to these regulations;

"Inmarsat-C" means the Inmarsat-C satellite communication system;

"FMC" means the Fisheries Monitoring Centre of the Ministry responsible for the subject of fisheries;

"operational", in relation to a VMS unit fitted to a boat or vessel, means that the unit is powered on and can -

(a) transmit the geographical position, course and speed of the boat or vessel as required; and

(b) receive and accurately respond to electronic data;

"satellite communication system" means a communication system designed for receiving and transmitting data via satellites and earth stations;

"sleep mode", in relation to a VMS unit, means a standby mode in which the unit is only capable of operating at specified intervals;

"system", in relation to a vessel monitoring system, includes component subsystems of—

(a) power supply;

(b) communication hardware and software located at base stations and fitted on boats or vessels; and

(c) communication service provider;

"Vessel Monitoring System" or "VMS" means a navigational measuring system which -

- (a) is set up by the Ministry to monitor the position and fishing activities of all fishing boats or vessels in the maritime zones of the Republic of Mauritius and beyond for the effective management of fisheries, in accordance with the Act and these regulations; and
- (b) determines the geographical position, course and speed of boat or vessel and is capable of transmitting that information via a satellite communication system;

"vessel tracking unit" means a transponder or transceiver placed on board any fishing boat or vessel for the purpose of transmitting VMS data;

"VMS Administrator" means an officer posted at the Fisheries Monitoring Centre, and, for the purposes of these regulations, designated by the Permanent Secretary as the VMS Administrator;

"VMS data" means the data specified in regulation 5;

"VMS Information" means every information generated and collected in respect of the operation of the vessel monitoring system; and

"VMS unit" means the component of a vessel monitoring system known as an automatic location communicator.

3. (1) These regulations shall apply to -

- (a) any foreign fishing boat or vessel licensed under section 34 and 35 of the Act;
- (b) any Mauritian fishing boat or vessel licensed under section 36 of the Act.

(2) These regulations shall not apply to a Mauritian fishing boat of a length of less than 12 metres.

4. (1) The owner or agent of a foreign fishing boat or vessel, in respect of which a licence has been granted under section 34 or 35 of the Act, shall ensure that the boat or vessel, as the case may be, is, at all times, equipped with an operational vessel tracking unit and reporting to the Fisheries Monitoring Centre while in a maritime zone of Mauritius, on the high seas or in a maritime zone under the jurisdiction of another State during the period it holds a valid Mauritian licence.

(2) The owner of a Mauritian fishing boat or vessel in respect of which a licence has been granted under section 36 of the Act shall ensure that the boat or vessel, as the case may be, is, at all times, equipped with an approved vessel tracking unit in working order and powered on while on the high seas and or in the maritime zones under the jurisdiction of another State.

(3) The owner or agent of a fishing boat or vessel shall -

- (a) in accordance with paragraphs (1) and (2), acquire, install, maintain and bear any communications cost of the vessel tracking unit on the boat or vessel;
- (b) provide the FMC with a statement by a manufacturer-accredited agent certifying that the vessel tracking unit has been properly installed;

- (c) provide to the Ministry such information in relation to the approved vessel tracking unit as the Ministry may require; and
- (d) pay such fee as may be prescribed.

5. The master, owner, operator or agent of a fishing boat or vessel shall ensure that -

- (a) the boat or vessel shall not leave a port of Mauritius or another State unless the boat or vessel is equipped with an operational vessel tracking unit in accordance with these regulations;
- (b) the boat or vessel shall not leave a port of Mauritius unless the VMS Administrator has confirmed that the VMS unit of the boat or vessel is operational;
- (c) at all times, ensure that the VMS unit installed on board is powered on and is transmitting automatically to the FMC and the National Coast Guard Ops Room Mauritius the following data -
  - (i) the identification of the fishing boat or vessel;
  - (ii) the current position of the fishing boat or vessel, expressed in latitude and longitude;
  - (iii) the date and time, expressed in Universal Time Coordinated (UTC), of the fixing of the position of the fishing boat or vessel; and
  - (iv) the speed and course of the fishing boat or vessel, expressed in knots for the speed and degree for the course, every 2 hours or at such interval as the FMC may determine in accordance with these regulations;
- (d) the vessel tracking unit on board -
  - (i) does not permit the input or output of false information and is not capable of being manually overridden;
  - (ii) is not removed from the place of first installation on the boat or vessel without the authorisation of the Permanent Secretary; and
  - (iii) transmits VMS data in accordance with the standards and requirements set out in the Schedule to these regulations and the manufacturer's specifications;
- (e) the VMS data is not altered;
- (f) any antenna connected to the vessel tracking unit is not obstructed;
- (g) the power supply of the vessel tracking unit is not interrupted;

- (h) any replacement or repair of a vessel tracking unit should be immediately notified in writing to the FMC and the Ministry; and
- (i) any information required by the VMS Administrator, the FMC or the Permanent Secretary in relation to the vessel tracking unit required under these regulations is provided.

6.(1) The owner, master or agent of a fishing boat or vessel to which a VMS unit is fitted shall ensure that -

- (a) the VMS unit is operational at all times during a fishing campaign;
- (b) the boat or vessel has on board a VHF/HF set, telephone or other means of instantaneous electronic communication capable of providing communication between the boat or vessel's crew and a fisheries officer, the FMC, the VMS Administrator, the Port Louis Harbour Radio and the National Coast Guard at all times during a fishing campaign;
- (c) the FMC is notified in a manner and form and within the time determined by the Permanent Secretary, of—
  - (i) the call sign or other identifier that enables the boat or vessel's crew to be contacted by the alternative means of communication on the boat or vessel; and
  - (ii) the name and contact details of a person whom the FMC may contact in respect of the VMS unit;
- (d) the alternative means of communication on the boat or vessel is operational at all times during a fishing campaign;
- (e) any direction given by a fisheries officer, the FMC or the VMS Administrator in respect of the alternative means of communication on the boat or vessel is complied with; and
- (f) where a personal computer or data terminal is connected to a VMS unit fitted to a registered boat or vessel, the registered owner, master or agent of the boat or vessel, as the case may be, shall ensure that, at all times while the VMS unit is in operation, the personal computer or data terminal is operational and able to send and receive emails via Inmarsat-C.

(2) The master or operator of a boat or vessel shall ensure that the owner or agent is notified immediately where the VMS unit, or a personal computer or data terminal connected to the VMS unit, ceases to operate.

(3) The master, operator, owner or agent of the boat or vessel shall inform the FMC and the National Coast Guard Ops Room Mauritius of any cessation or malfunction of the VMS unit immediately upon becoming aware of same.

(4) The master, operator, owner or agent of a fishing boat or vessel shall communicate to the FMC the name of the person on board nominated to liaise with the VMS Administrator and the FMC.

(5) The master, operator, owner or agent of a fishing boat or vessel shall communicate any change of the nominated person on board to the VMS Administrator and the FMC.

(6) Where the nominated person for a fishing boat or vessel is notified by a fisheries officer, the VMS Administrator or the FMC, that the VMS unit fitted to the boat or vessel is not operational, the nominated person shall inform the master or operator of the boat or vessel immediately.

7. (1) The master of the boat or vessel may not switch off or place in sleep mode the boat or vessel tracking unit without prior notification and justification to the FMC.

(2) The master or operator of a fishing boat or vessel in a port or a mooring site in the Republic of Mauritius or that of a foreign State, shall restart the vessel tracking unit and transmit the VMS data at least 6 hours prior to leaving the port or its mooring site and shall ensure that VMS data is transmitted for at least 4 hours after arrival at port from a fishing campaign.

8. (1) Where a vessel tracking unit on board a fishing boat or vessel specified under regulation 4 fails to operate in whole or in part, the owner, master, operator or agent of the boat or vessel shall communicate in writing to the FMC and the National Coast Guard Ops Room Mauritius the position and latest activity of the boat or vessel by facsimile or electronic means at least every 4 hours as from the time the failure or malfunction was detected as well as its Expected Time of Arrival (ETA).

(2) The owner, master, operator or agent of a fishing boat or vessel shall ensure that the vessel tracking unit which fails to operate in whole or in part, is repaired or replaced within 30 days from the date of detection of the failure or the date the owner, master or agent of the boat or vessel was informed by the FMC of the failure to function, whichever is the earlier.

(3) Upon expiry of the period set out in paragraph (2) and the vessel tracking unit failing to operate in whole or in part, the owner, master, operator or agent of a local or foreign fishing boat or vessel licensed under section 34, 35 or 36 of the Act shall direct the boat or vessel to a port in Mauritius or another coastal State, for repair or replacement of the vessel tracking unit.

(4) Any repair or replacement of a vessel tracking unit on a boat or vessel governed by these regulations in a port of Mauritius shall be made to the satisfaction of the Permanent Secretary and the FMC.

(5) The owner, master, operator or agent of a boat or vessel shall comply with any instruction of the FMC upon the vessel tracking unit of the boat or vessel failing to operate in whole or in part.

(6) Instructions of the FMC under paragraph (5) to the owner, master, operator or agent of the boat or vessel may include -

(a) in relation to a Mauritius fishing boat or vessel, to -

- (i) immediately stow all fishing gear;
- (ii) bring the boat or vessel to the nearest port for repair; and
- (iii) replace the vessel tracking unit;

(b) in relation to a foreign fishing boat or vessel, to -

- (i) forthwith leave the fishing ground, be brought to the nearest port to repair or replace the vessel tracking unit or call at Port Louis to disembark its catch prior to proceeding to the next port for repairs;
- (ii) report in writing by facsimile or electronic means its position every 2 hours to the FMC and the National Coast Guard Ops Room Mauritius as it crosses the outer limit of the Exclusive Economic Zone of the Republic of Mauritius, when proceeding from the high seas or the maritime zone of another State.

**9.** (1) The Permanent Secretary may, by notice in writing issued to the registered owner or authorised agent of a boat or vessel to which an approved VMS unit is fitted, require the registered owner or authorised agent to modify or replace the VMS unit within such specified period as the Permanent Secretary may determine.

(2) The registered owner or authorised agent to whom a notice is issued under paragraph (1) shall comply with the requirements of the notice.

**10.** (1) Where the Permanent Secretary is notified that the VMS unit fitted in a fishing boat or vessel has ceased to operate in whole or in part, the Permanent Secretary may issue such direction as he may determine to the registered owner, master or agent of the boat or vessel to ensure that the activities of the boat or vessel remain capable to be monitored by the FMC and the VMS Administrator.

(2) A direction under paragraph (1) may include the requirement of—

- (a) a notification of the geographical position and course of the boat or vessel by the alternative means of communication on the boat or vessel to a fisheries officer, FMC or VMS Administrator at such intervals as deemed necessary; or

(b) directing the boat or vessel to a specific port.

(3) No person shall, without reasonable justification, fail to comply with a direction given by the Permanent Secretary pursuant to these regulations.

**11. (1)** Subject to paragraph (2), no fisheries control officer who has access by virtue of his functions to any VMS information under these regulations shall use or disclose such information, except for the purposes of—

(a) this Act; or

(b) fulfilling the obligations of the Republic of Mauritius under any international agreement or convention.

(2) The VMS Administrator may, after consultation with or with the approval of the Permanent Secretary, use or disclose VMS information for the purpose of defence, public safety, public order, public morality, public health and safety of life at sea.

(3) The ownership of any VMS information related to fishing boat or vessel licensed under section 34, 35 or 36 of the Act shall be vested in the Government of the Republic of Mauritius.

**12. (1)** No person shall wilfully interfere or tamper with the vessel tracking unit installed on board a fishing boat or vessel.

(2) No person shall wilfully damage, destroy or render inoperative the vessel tracking unit installed on board a fishing boat or vessel.

(3) Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not less than 1,000 EUR and not exceeding 1,000,000 EUR or its equivalent in Mauritian rupees.

**13.** The Fisheries and Marine Resources (Vessel Monitoring System) Regulations 2005 are revoked.

**14.** These regulations shall come into operation on 8 September 2022.

Made by the Minister on 8 September 2022.

## **SCHEDULE**

[Regulations 2 and 5]

### **TECHNICAL STANDARDS APPLICABLE TO VESSEL MONITORING SYSTEM USING SATELLITE COMMUNICATIONS**

#### **1. Authorised satellite communications systems**

Mauritian and foreign fishing vessels or boats shall use Argos or Inmarsat-C satellite communications systems or such other systems as the Permanent Secretary may approve.

#### **2. Format of data**

The data referred to in section 13 of the Act shall be transmitted to the FMC in the following formats -

- (a) North Atlantic Format (NAF), where transmitted by the FMC of the flag State;
- (b) PRV/DS (to view all messages received by all satellites), for data communicated via the Argos satellite communications system; and
- (c) Thrane & Thrane text or binary with Application Programming Interface (API) header, for data transmitted through the Inmarsat-C satellite communications system.

#### **3. Minimum technical criteria**

Vessel tracking units shall meet the following minimum technical criteria -

- (a) vessel tracking units shall be dedicated exclusively to the transmission of data specified in regulation 13, catch data (electronic logbook) and messages of entry into, and exit from, the maritime zones;
- (b) vessel tracking units shall be made of either one integrated system, bolted to the boat or vessel's superstructure or fittings, comprising in one single casing, antennas and the terminal, or one system encompassing an external antenna and a terminal installed on the bridge. A go-between box may be installed on the bridge for integrated vessel tracking units;
- (c) the positioning system (GPS) shall be integrated in the vessel tracking unit;

- (d) the vessel tracking units shall comply with waterproof, temperature variation, vibration, corrosion, insulation international standards such as IEC 60945 or any equivalent. Vessel tracking units shall not interfere with navigation safety in any circumstances;
- (e) every vessel tracking unit shall be equipped with a 72-hour life span external battery enabling continuous transmission of data specified in regulation 15 even in case of interruption of the boat or vessel's main power source; and
- (f) vessel tracking units shall be fitted with a prevention or detective device against any intrusion attempt and protected against any interference. They shall be attached to the structure of the boat or vessel by means of a security seal.

#### **4. Installation of vessel tracking units**

Every vessel tracking units shall be located in such a manner that it shall -

- (a) be readily accessible to the master of the boat or vessel in an emergency situation;
- (b) be secure in rough sea conditions;
- (c) not suffer interference from the operation of other equipment on the boat or vessel;
- (d) not be prone to accidental bumping; and
- (e) not interfere with the normal, safe operation of the boat or vessel.

#### **5. Message content**

The data referred to in section 13 of the Act shall contain the following information -

- (a) the start of record;
- (b) the address of sender;
- (c) the identification of sender;
- (d) the type of message (position);
- (e) the radio call sign of the boat or vessel;
- (f) the boat or vessel's name;
- (g) the boat or vessel's external identification number;
- (h) the country code (ISO 3);
- (i) the date;

- (j) the time;
- (k) the latitude;
- (l) the longitude;
- (m) the speed in knots;
- (n) the course in degree; and
- (o) the end of record.