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COMMUNICATIONS AND SEARCH AND
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Agenda item 7

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**REVISION OF THE GUIDELINES FOR VESSEL TRAFFIC SERVICES
(RESOLUTION A.857(20))**

Comments on document NCSR 7/7

Submitted by ICS and BIMCO

SUMMARY

Executive summary: This document provides comments on the draft revision of the *Guidelines for Vessel traffic services* (resolution A.857(20)) presented in document NCSR 7/7

Strategic direction, if applicable: 2 and 6

Output: 6.18

Action to be taken: Paragraph 12

Related documents: Resolutions A.857(20); MSC.433(98) and NCSR 7/7

Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.1) and provides comments on document NCSR 7/7.

Background

2 Resolution A.857(20) describes the principles and general provisions for the operation of a vessel traffic service (VTS) and participating ships, the roles and responsibilities of Contracting Governments, competent authorities and VTS authorities, and qualifications and training of VTS.

3 The International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA), through the expertise of the VTS Committee and its associated correspondence group,

to which BIMCO was given a chance to participate, has taken a coordinating role in the update and preparation of a draft revised resolution and associated guidelines for consideration by IMO during the 2019-2020 biennium.

Discussion

4 While, most of the text in the revised draft guidelines serves its intended purpose, there are still two paragraphs that are of concern to the co-sponsors. The paragraphs mentioned below refer to the annex of NCSR 7/7 entitled: Draft Assembly resolution on *Guidelines for vessel traffic services*.

5 The co-sponsors are concerned about the suggestion in paragraph 4.4 of establishing a VTS with voluntary participation outside the normal jurisdiction of a VTS. This may end up in a scenario where some ships participate in VTS and others do not.

6 Adding to the confusion is the fact that the bridge team, in some cases, will receive advice and information only and, in other cases, will receive instructions and requirements. So, the danger and dilemma could be identifying when the bridge team is communicating with an authority that has jurisdiction in accordance with SOLAS regulation V/12.3 and when it is communicating with an advisor without authority.

7 By introducing a voluntary VTS service beyond the territorial seas of a coastal State, it is unclear as to on which party the liability will rest in case of an incident that has been based on advice given by VTS.

8 The co-sponsors are aware that a shore-based authority with the responsibility for the management and coordination of a mandatory reporting system may be an authority in charge of a VTS. However, even if such a reporting system may be established beyond the territorial seas of a State, it does not make it a VTS.

9 The wording in paragraph 6.1.3 includes "safety" but not "protection of the marine environment". This seems to restrict and undermine the responsibility of the master as stipulated in SOLAS regulation V/34-1. The draft Assembly resolution should also consider a situation where the master, in acting to protect the marine environment and based on the master's professional judgement, chooses not to follow the instructions given by VTS.

Proposal

10 The co-sponsors propose to delete paragraph 4.4.

11 The co-sponsors propose to add "protection of the marine environment" in paragraph 6.1.3, so it reads:

"In a VTS area, participating ships should: comply with the requirements and instructions given to the ship by VTS unless contradictory safety and/or marine environment protection reasons exist."

Action requested of the Sub-Committee

12 The Sub-Committee is invited to consider the comments in this document and the proposals in paragraphs 10 and 11, and take action, as appropriate.