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PART I : SECTION (I) — GENERAL

Government Notifications

L. D. B. 1/2012(V)

FISHERIES AND AQUATIC RESOURCES ACT, No. 2 OF 1996

REGULATIONS made by the Minister of Fisheries under Section 61(1) (sg), (sh) and (t) of the Fisheries and Aquatic Resources Act, No. 2 of 1996.

DOUGLAS DEVANANDA,
Minister of Fisheries.

Colombo,
14th December, 2022.

Regulations

The Implementation of Satellite based Vessel Monitoring System (VMS) for Fishing Boats Operating in High Seas Regulations 2015, published in *Gazette Extraordinary* No. 1907/47 of March 26, 2015 are hereby amended as follows:-

- (1) by the repeal of regulation 1 thereof and the substitution therefor of the following:-

“1. These regulations may be cited as the Implementation of Satellite based Vessel Monitoring System (VMS) and other Electronic Vessel Monitoring Systems for Fishing Vessels Operating in Sri Lanka Waters and High Seas Regulations, 2015”,

- (2) by the insertion immediately after the substituted regulation 1 thereof, of the following:-



“PART I

Satellite based Vessel Monitoring System (VMS)”;

- (3) by the repeal of regulation 2 thereof and the substitution therefor of the following:-

“2. A person shall not deploy any multiday fishing vessel to engage in fishing and fishery related activities and fishing operations unless such vessel is fitted with Satellite based Vessel Monitoring System Device (hereinafter referred to as a “VMS Device”) on board approved by the Department of Fisheries and Aquatic Resources (hereinafter referred to as “the Department”) which allows tracking and identification of such vessels by the land based Fisheries Monitoring Centre (hereinafter referred to as “FMC”) of the Department.”;

- (4) by the insertion immediately after the substituted regulation 2, of the following new regulation which shall come into effect as regulation 2A thereof:-

“2A. The Director-General shall not issue any vessel registration, renewal of registration, transfer of vessel or departure approval to any multiday fishing vessel unless it has a fully operational VMS Device on board.”;

- (5) by the insertion immediately after regulation 2A, of the following:-

“Responsibilities of Master, Skipper, Registered owner or Licensee

“3. The registered owner of any multiday fishing vessel shall install a VMS Device approved by the Director-General on board the vessel and shall obtain services such as maintenance and repair and other services of the VMS, only from the registered service providers referred to in part III of these regulations”;

- (6) (a) by renumbering existing regulation 3 thereof, as regulation 3A;
(b) in renumbered regulation 3A by the substitution for the words “skipper, owner or licensee of the fishing vessel” of the words “skipper, registered owner or licensee of the fishing vessel”;
- (7) by the insertion immediately after the renumbered regulation 3A, of the following new regulations:-

“3B. The master, skipper, registered owner or licensee of any fishing vessel shall ensure that the VMS Device on board of the vessel is maintained in a manner that the information or data specified in regulation 3A can be easily obtained *via* the VMS Device on board of such vessel.

3C. The registered owner or licensee of any fishing vessel shall take necessary action to coordinate with a relevant maintenance supplier registered under Part III of these regulations in order to obtain the services and repairs needed for the vessel.

3D. The registered owner or licensee of any fishing vessel shall settle relevant satellite data charges on due time in order to obtain the uninterrupted satellite service enabling FMC to monitor the vessel.

3E. The Master, Skipper, registered owner or licensee of any fishing vessel shall ensure that the VMS Device on board to be a fully operational VMS Device at all times and no person shall destroy, damage, render it inoperative or otherwise interfere with the VMS Device installed on board and following activities in relation to the device are strictly prohibited -

- (a) alter the Vessel Monitoring System (VMS) data in any manner;
(b) obstruct the antenna or the antennas connected to the VMS Device manually;
(c) interrupt the power supply to the VMS Device manually; and
(d) remove the VMS Device from the fishing vessel or change the installed position in the vessel without the prior approval from the FMC of the Department.

3F. The skipper or master of a fishing vessel shall take steps to ensure, through the VMS Device and its FMC to monitor the date and time of the entry into and the exit of a fishing vessel from:-

- (a) any maritime area where specific rules on access to waters and resources apply;
- (b) the regulatory areas of the Regional Fisheries Maritime Organization;
- (c) Jurisdictional waters of any other State;
- (d) any other area, resgriected or otherwise, which may be designated by the Department.

3G. Any fishing vessel which operates in close proximity up to twenty nautical miles of any marine protected area or areas restricted or any vessel in transit passage which remain in such proximity shall be monitored at one-hour intervals or any other time interval decided by the Director-General as he deems fit.”;

- (8) by the insertion immediately after the preceding regulation 3G, of the following heading:-

“Responsibilities of FMC”;

- (9) by the repeal of sub regulation (2) of regulation 4 thereof;
- (10) by the repeal of paragraph (i) of regulation 8 thereof and the substitution therefor of the following paragraph:-
- “(i). Ensure that the vessel monitoring software and the satellite service functions properly”;
- (11) by the insertion immediately after regulation 8 thereof, of the following new regulation:-
- “8A. The FMC shall-
- (a) tag identify the risk fishing vessels in the System enabling the close monitoring of such vessels;
 - (b) Provide vessel track data for the purpose of catch data position veritication, search and rescue operations, detection of any IUU activity and any other investigations within the Department of Fisheries;
 - (c) Ensure direct access from the VMS data base to centralized data base and information management system officially run by the Department of Fisheries;
 - (d) Ensure that the date received from any fishing vessel is recorded and preserved either in soft or hard copies for a period of minimum five years or for a period as may be determined by the Director General.”;
- (12) by the substitution in regulation 9 thereof, for the words “owner” and “SSB radio *etc*” of the words “registered owner” and “SSB radio or *via* any electronic method approved by the Director-General.” respectively;
- (13) by the substitution in regulation 10 thereof, for the words “to the satisfaction of the FMC of Department.” of the words “enabling it to serve as a fully operational VMS device.”;
- (14) by the substitution in regulation 11 thereof, for the words “Monitoring Device” and “until written authorization is given by the FMC of the Department.” of the words “VMS Device” and “unless prior written approval is obtained from the Director-General.” respectively;
- (15) by the repeal of regulation 12 thereof;

- (16) by the substitution in regulation 13 thereof, for the words “master or the owner,” of the words “master or the registered owner,”;
- (17) by the repeal of regulations 14 and 15 thereof;
- (18) by the repeal of regulation 19 thereof;
- (19) by the repeal of regulation 20 thereof;
- (20) by the insertion of the following, immediately after the repealed regulation 20:-

“PART II

Automatic Identification Systems and Other electronic monitoring systems

20. The registered owner of any fishing vessel who intends to use any Automatic Identification System (hereinafter sometimes referred to as “AIS”) or any other electronic monitoring system in addition to the mandatory VMS on board, for operational purposes, he shall obtain such devices from the authorized suppliers and the service providers registered under Part III of these regulations.
21. The registered owner of any fishing vessel shall provide the unique serial number of the Automatic Identification System (AIS) to the Department of Fisheries and Aquatic Resources when such device is installed on board.
22. The unique serial number of the Automatic Identification System (AIS) for fishing vessels and Automatic Identification System for gear marking buoys shall be in the following format respectively:-
 - (i) [417] [Numerals in the vessel registration number] [last two digits of district telephone code]
 - (ii) [99] [417] [Four-digit serial number];
23. A person shall not transfer Automatic Identification System devices, other electronic monitoring systems or Automatic Identification Systems for gear marking buoys used in respect of a fishing vessel to another fishing vessel except with the approval of the Director - General.
24. The master, skipper, registered owner or licensee of a fishing vessel shall report to the Director-General on drifting of Automatic Identification System buoys to any restricted area, Exclusive Economic Zone (EEZ) of other State, misplacement or loss of Automatic identification System gear markers and the registered owner of the vessel shall disconnect it within seventy-two hours (72 hours) and shall erase the Automatic Identification System code or remove the Automatic Identification System device from the vessel in the event of deregistration, transfer or sale of the vessel.
25. The registered owner of the fishing vessel shall disconnect other Electronic monitoring devices which are not reported to the Director-General under regulation 24, from the fishing vessel and relevant software in the event of any deregistration, Transfer or sale of the fishing vessel

PART III

Registration of Suppliers and Service Providers

26. Any person who intends to supply satellite-based vessel tracking devices and other electronic monitoring devices referred to in Part I and Part II of these regulations and to provide maintenance services with regard to such devices, shall register with the Department of Fisheries and Aquatic Resources for the respective purposes.

27. A person who intends to register under regulation 26, shall submit such application in the Form specified in Schedule III of these regulations to the Director-General together with a registration fee of Rupees Ten Thousand (Rs. 10,000.00).
28. The Director-General shall after making a technical evaluation of the products, issue a certificate of registration for the supply of vessel tracking devices as per the Form specified in schedule IV of these regulations.
29. The certificate of registration referred to in regulation 28 shall be valid for a period of three years from the date of issue subject to renewal of the registration on an application made in that behalf together with the fee of registration referred to in regulation 27.
30. Any vessel tracking device registered under regulation 28 shall be compatible with the software and other services used by the Department of Fisheries and Aquatic Resources and the Department of Fisheries and Aquatic Resources shall have access to monitor the activities *via* software interface with an administrative user power.
31. The Director-General shall publish an updated list of registered suppliers issued with a certificate of registration under regulation 28, together with the details of equipment and services to be supplied by them.

PART IV

Cancellation of Registration of Service Providers (VMS/AIS/Other Electronic Monitoring Devices)

32. The Director-General shall cancel a registration granted by him under regulation 28 of this regulation, if he is satisfied that the service provider-
 - (1) has contravened any of the provisions of Part III of these regulations;
 - (2) has been convicted of an offence under these regulations.”.
21. by the substitution for the word “vessel” wherever that word appears in these regulations of the word “fishing vessel”.
22. (a) by renumbering regulation 21 thereof as regulation 33;
(b) in the renumbered regulation 33,
 - (i) by the insertion immediately after the definition of “fishing related activities”, of the following new definition:-

“fishing vessel” means any vessel, ship or boat used for, equipped to be used for or intended to be used for, fishing or fishing related activities;
 - (ii) by the insertion immediately after the definition of “fishing vessel”, of the following new definition:-

“Fully Operational Vessel Monitoring System (VMS) device” means Vessel Monitoring Systems transponder and all its accessories onboard, functioning without any technical failure with unobstructed power supply and satellite connection and visible on the Vessel Monitoring Systems software interface;
 - (iii) by the insertion immediately after the definition of “Illegal, Unreported and Unregulated fishing”, of the following new definition:-

“Other electronic monitoring devices” means equipment or associated software which can emit information in an electronic format on the identity of the device enabling the device to be monitored by a third party;

(iv) by the insertion immediately after the definition of “port”, of the following new definition:-

“risk vessel” means a vessel that is identified based on the history of violations done by using the vessel having the potential of violating the rules and regulations made under the Fisheries and Aquatic Resources Act, No. 2 of 1996;

(v) by the repeal of the definition of vessel” in that regulation;

23. By the insertion immediately after schedule II thereof, of the following new schedules:-

SCHEDULE III

Application to register for the supply of Satellite based Vessel Monitoring System (VMS) and other electronic monitoring protocols for Fishing Boats Operating in Sri Lanka Waters and High Seas

A. Details of the vessels supplier

1. Name of the Local Company;
2. Address;
3. Company Reg No.;
4. VAT reg No.;
5. Main Contact Name and designation;
6. Main Contact Telephone Number;
7. Main Contact email address;

B. Basic Specifications of the devices and related Services

1. Name of the device (Make and Model);
2. Country of Origin;
3. Country of Manufacture;
4. Year of Manufacture;
5. Software Interface details;

C. Service information

1. Warranty;
2. After sales services;
3. Work shop availability in Sri Lanka;
4. Spare parts availability;
5. Ex-stock availability;

D. Details of the target group of Fishermen (Ex: Boat owner, skippers *etc.*)

E. Costing Details

1. Cost of the device (including import, approval, transport *etc.*);
2. Installation cost*;
3. Software and hosting charges # (including maintenance upgrading *etc.*);
4. Activation charges (ex; PSA/TRC *etc.*)#;
5. Any other charge;

F. Attachments to the application

1. Detail specification sheets for devices, software and communication services to be used;
2. Installation, activation and maintenance plan and methodology (should be provided as a separate attachment to this document);
3. Payment collection and transfer methodology (Should be provided as a separate attachment to this document);
4. Current prices and price changing policy for the satellite charges (should be provided as a separate attachment to this document);
5. Data sharing methodology and data sharing policy (should be provided as a separate attachment to this document);

6. Details of the technical team to be deployed (should be provided as a separate attachment to this document);
7. List of districts to be covered by the service-preferred all island (should be provided as a separate attachment to this document);
8. Details of the facilities to be provided to the fisheries monitoring center (FMC at DFAR) (ex; Monitoring Screens, Cloud or server facility) (free logging and monitoring of their boats and *etc.*);
9. Facilities to be provided to the Fisherman/Boat Owners;

Regulation 28

SCHEDULE IV Registration Certificate

Implementation of Satellite based Vessel Monitoring System (VMS) and other electronic Monitoring protocols for Fishing Vessels Operating in Sri Lankan Waters and High Seas

A. Details of the Service provider

1. Name of the Local Company;
2. Address;
3. Company Reg No.;
4. VAT reg No.;
5. Main Contact Name and designation;
6. Main Contact Telephone Number;
7. Main Contact email address;

B. Details of the authorized service

1. Name of the device/s;
2. Make and Model/s;
3. Software (version);
4. Communication channel (if applicable);

C. Target Group-

The above service provider (details given under A) is hereby authorized to provide and supply above mentioned service or goods (details given under B) for the fisheries sector of Sri Lanka;

Valid from -

Valid to -

Authorized by

Director - General

Department of Fisheries and Aquatic Resources

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