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Agenda item

13 – Proposed changes to IMO Resolution A.857(20)

Author(s) / Submitter(s)

VTs Committee

## **Review of IMO Resolution A.857(20)**

### **Consideration of ‘Changing Traditional Boundaries’ and ‘VTs and Future Developments’**

#### **1 INTRODUCTION**

SOLAS Chapter 5 Regulation 12 states that a VTS may only be mandatory within the Territorial Sea of a coastal state. The current version of IMO resolution A.857 (20) Annex 2, Section 2.2.2 states that it does not confer any additional powers on authorities with respect to the operation of VTS outside the territorial sea. However, there are provisions within the United Nations Convention on the Law of the Sea (UNCLOS) that indicate that Competent Authorities could set in place and enforce regulations within the Contiguous Zone (to 24nm) and such regulations could be related to Vessel Traffic Services for vessels that will transit from the Contiguous Zone to the Territorial Sea and vice versa.

#### **2 DETAILS OF PAPER**

Without the benefit of expert legal opinion, the paper makes the case that, under existing UNCLOS provisions, a Competent Authority could set, enforce and prosecute infringement of mandatory requirements on vessels within the Contiguous Zone. This is based on the descriptions of possible action that can be exercised within that zone in articles 33 and 111 of UNCLOS. The paper also notes that there will be new requirements over the next 5 – 10 years, for increased interaction between ship including MASS (Maritime Autonomous Surface Ships) and VTS centre that will require the exchange of information or data at earlier stages of the voyage, possibly beyond both the Territorial Sea and the Contiguous Zone. For MASS (Maritime Autonomous Surface Ships), where there may be no crew on board, the data exchange may be different and the VTS may need to interact differently.

The paper requests legal confirmation about the application of VTS within the Contiguous Zone so that appropriate instruments can be amended and harmonised accordingly.

#### **3 ACTION REQUESTED**

The Legal Advisory Panel is requested to advise the VTS committee on the conclusions.