Document Revisions (Title style)

**IALA GUIDELINE**

**[VTS 39]**

**On**

**Giving effect to SOLAS Chapter V (Safety of Navigation) Regulation 12 - Preparing for IMO Member State Audit Scheme (IMSAS)**

**On**

**Vessel Traffic Services [Delivery]**

**[Working towards] Edition 1**

**[2016]**

**Initial Edition**

International Association of Marine Aids to Navigation and Lighthouse Authorities

***AISM***Association Internationale de Signalisation Maritime ***IALA***

10, rue des Gaudines

78100 Saint Germain en Laye, France

Telephone: +33 1 34 51 70 01 Fax: +33 1 34 51 82 05

e-mail: [contact@iala-aism.org](mailto:iala-aism@wanadoo.fr) Internet: [www.iala-aism.org](http://www.iala-aism.org)

Revisions to the IALA Document are to be noted in the table prior to the issue of a revised document.

|  |  |  |
| --- | --- | --- |
| **Date** | **Page / Section Revised** | **Requirement for Revision** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

Table of Contents

Table of Contents

[Document Revisions (Title style) 1](#_Toc416636192)

[Table of Contents 3](#_Toc416636193)

[1 AIMS AND OBJECTIVES 4](#_Toc416636194)

[2 INTRODUCTION 4](#_Toc416636195)

[3 ACRONYMS AND DEFINITIONS 5](#_Toc416636196)

[4 International framework 5](#_Toc416636197)

[4.1 IMO 5](#_Toc416636198)

[4.2 IALA 6](#_Toc416636199)

[5 Preparing for an IMSAS audit – Vessel Traffic Services 7](#_Toc416636200)

[6 Annex 1 – Guidance for Preparing for the Audit 9](#_Toc416636201)

# AIMS AND OBJECTIVES

The aim of this document is to provide guidance for a Contracting Government / Governments and competent authorities to meet the objectives of an IMSAS audit with respect to the implementation and delivery of VTS. That is, to demonstrate they are fulfilling their   
responsibilities under the general provisions of treaty law and of IMO conventions for   
promulgating laws and regulations and for taking all other steps which may be necessary to give full and complete effect SOLAS Chapter V (Safety of Navigation) Regulation 12.

In particular, the guidance focuses on providing assistance with the planning and preparation for an audit, including:

* Compliance with the audit standard;
* The enactment of legislation, as appropriate, for delivery of VTS under SOLAS;
* The administration and enforcement of the applicable laws and regulations of the   
  Member State;
* The mechanism and controls in place, by which the delegation of authority by a Member State to a recognised organisation and for the purposes of delivering VTS is effected

(Note: This guideline supersede/revokes IALA Guideline 1055 - Preparing for a Voluntary IMO Audit on Vessel Traffic Services [Delivery]

# INTRODUCTION

Vessel Traffic Services are recognised internationally as a navigational safety measure through the International Convention on the Safety of Life at Sea 74/78 (SOLAS). In particular, the provisions in SOLAS Chapter V (Safety of Navigation) Regulation 12 provides for Vessel Traffic Services and states, amongst other things, that:

* *“Vessel Traffic Services (VTS) contribute to safety of life at sea, safety and efficiency of navigation and protection of the marine environment, adjacent shore areas, work sites and offshore installations from possible adverse effects of maritime traffic.”*

• *“Governments may establish VTS when, in their opinion, the volume of traffic or the degree of risk justifies such services”.*

SOLAS also states that contracting Governments planning and implementing VTS shall,   
wherever possible, follow the guidelines developed by the IMO.

Recognising that the safety and efficiency of maritime traffic and the protection of the marine environment would be improved if vessel traffic services were established and operated in   
accordance with internationally approved guidelines the IMO Assembly adopted IMO Resolution A.857(20) Guidelines for Vessel Traffic Services. The Resolution describes the principles and general provisions for the operation of a VTS and participating vessels, in addition to the roles and responsibilities of contracting governments, competent authorities and VTS authorities.

Vessel Traffic Services implemented by a Competent Authority are subject to the IMSAS.

**2 OVERVIEW**

Under the general provisions of treaty law and of IMO conventions, States are responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give those instruments full and complete effect so as to ensure safety of life at sea and protection of the marine environment.

The IMO Member State Audit Scheme (IMSAS) provides an audited Member State with a   
comprehensive and objective assessment of how effectively it administers and implements those mandatory IMO instruments which are covered by the Scheme. The International   
Convention on the Safety of Life at Sea 74/78 (SOLAS) is covered by in the Scheme.

The scheme addresses issues such as:

* conformance in enacting appropriate legislation for the IMO instruments to which a Member State is a Party;
* the implementation and enforcement of the applicable laws and regulations by the Member State;
* the delegation of authority to recognised organisations (ROs);
* the related control and monitoring mechanism of the survey and certification processes by the Member States.

# ACRONYMS AND DEFINITIONS

To assist in the use of this guideline, the following acronyms and definitions, mainly based on IMO resolutions, have been used:

*Table 1 Acronyms*

|  |  |
| --- | --- |
| *IALA* | International Association of Marine Aids to Navigation and  Lighthouse Authorities |
| *IMO* | International Maritime Organization |
| *SOLAS* | International Convention for the Safety of Life at Sea |
| *VTS* | Vessel Traffic Services |

*Table 2 General Definitions*

|  |  |
| --- | --- |
| *Competent*  *Authority* | The authority made responsible, in whole or in part, by the  Government for safety, including environmental safety, and  efficiency of vessel traffic and the protection of the environment. |
| *Vessel Traffic*  *Services (VTS)* | A service implemented by a Competent Authority, designed to improve the safety and efficiency of vessel traffic and to protect the environment. The service should have the capability to  interact with the traffic and to respond to traffic situations  developing in the VTS area. |
| *VTS Authority* | The authority with responsibility for the management, operation and coordination of the VTS, interaction with participating  vessels and the safe and effective provision of the service. |

# International framework

## IMO

VTS is recognised internationally as a navigational safety measure through the International Convention on the Safety of Life at Sea 74/78 (SOLAS). In particular, the provisions in SOLAS Chapter V (Safety of Navigation) Regulation 12 provides for Vessel Traffic Services and states that contracting Governments planning and implementing VTS shall, wherever possible, follow the guidelines developed by the International Maritime Organization (IMO).

Key IMO documents regarding IMSAS include:

* **Resolution A.1067(28) on the Framework and Procedures for the IMO Member State Audit Scheme**

The purpose of this Framework is to describe the objective, principles, scope,   
responsibilities and capacity-building aspect of the IMO Member State audit, which   
together constitute the strategy for the audit scheme.

This Framework is supported by the Procedures for the IMO Member State audit and the IMO Instruments Implementation Code (III Code).

* **Resolution A.1070(28) on IMO Instruments Implementation Code (III Code)**

The objective of this Code is to enhance global maritime safety and protection of the   
marine environment and assist States in the implementation of instruments of the   
Organization.

The Code acknowledges that different States will view this Code according to their own circumstances and should be bound only for the implementation of those instruments to which they are Contracting Governments or Parties. By virtue of geography and   
circumstance, some States may have a greater role as a flag State than as a port State or as a coastal State, whilst others may have a greater role as a coastal State or a port State than as a flag State.

The Code seeks to address those aspects necessary for a Contracting Government or Party to give full and complete effect to the provisions of the applicable international   
instruments to which it is a Contracting Government or Party, including SOLAS Chapter V (Safety of Navigation) Regulation 12.

* **Circular Letter No. 3425 - Auditor’s Manual for the IMO Member State Audit Scheme (IMSAS)**

This Manual has been developed as guidance to assist in the planning, conducting and reporting by auditors in the execution of their duties as defined in the Framework and Procedures for the IMO Member State Audit Scheme, which was adopted by the Assembly through resolution A.1067(28).

The guidance is intended to promote consistency in the delivery of the audit programme.

* **Resolution A.857(20) Guidelines for Vessel Traffic Services**

The Resolution describes the principles and general provisions for the operation of a VTS and participating vessels, the roles and responsibilities of contracting governments, competent authorities and VTS Authorities, and qualifications and training. In summary, the Resolution provides guidance in two Annexes:

* + Annex 1 Guidelines and Criteria for VTS – Describes the principles and general operational provisions for the operation of a VTS and participating ships.   
    Specifically it describes the responsibilities of:

1. Contracting governments/competent authorities for planning and establishing VTS, including establishing a legal basis for the operation of a VTS to ensure that the VTS is operated in accordance with national and international law (Section 2.2.2) and ensuring that a VTS Authority is appointed and legally empowered, and
2. VTS Authorities for the operation and delivery of a VTS.
   * Annex 2 Guidelines on Recruitment, Qualifications and Training of VTS   
     Operators - Elaborates specifically on 2.2.2.8 of Annex 1, which requires the VTS Authority to be provided with sufficient staff, appropriately qualified, suitably trained and capable of performing the tasks required, taking into consideration the type and level of services to be provided in conformity with the current IMO Guidelines on the subject.

The Resolution also states that the guidelines should be used in conjunction with the applicable Guidelines and Criteria for Ship Reporting Systems, Resolution MSC.43(64) and the IALA VTS Manual.

## IALA

The aim of the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) is to foster the safe, economic and efficient movement of vessels, through improvement and harmonisation of aids to navigation worldwide and other appropriate means, for the benefit of the maritime community and the protection of the environment.

A key component to achieving this is the publication of documents aimed at developing   
common best practice standards. With regard to VTS, IALA achieves this through a suite of documents to assist governments, competent authorities and VTS authorities implement VTS in a manner consistent with IMO Resolution A.857(20). These include:

* Recommendations on technologies and practices that are intended to improve the   
  services being provided,
* Model courses to supplement the Recommendations on the training of VTS personnel; and
* Guidelines that either supplement recommendations or provide advice and guidance on how new and developing technologies can be used to improve the operational or cost   
  effectiveness of services.

These documents can be found at http://www.iala-aism.org/publications/.

# Preparing for an IMSAS audit – Vessel Traffic Services

The IMSAS covers a broad range of maritime safety and the prevention of pollution issues   
(SOLAS, MARPOL, Tonnage 69, Load Line, STCW and COLREG). VTS delivery is only a small but important element of the audit scheme. To assist with planning and preparation for an audit the following issues should be considered:

* Member State’s policy and legal frameworks should be explained as fully as possible;
* Member State’s internal stakeholder arrangements should be described, in particular the sectional and governance arrangements for the responsibilities of a Member State’s VTS. Insofar as is possible, clarification of any special organisational arrangements should be fully detailed;
* a designated single point of contact is required for the Member State. It may also be necessary to establish single points of contact for other internal stakeholders that have delegated VTS responsibilities. It might also be useful to establish a hierarchy of responsibilities;
* to assist the audit process use of organisational diagrams and flow charts should be considered;
* some Federal States could face difficulty in answering all necessary questions. A mechanism of coordination should be implemented to allow the Member State VTS authority to successfully undergo the audit;
* Member States may consider adopting a programme or project management approach to the audit process. This will assist with the setting of timetables and the consideration of budget and resources;
* noting that a maximum period of two months is permitted for the completion of the pre-audit questionnaire from the time the audit is officially launched, Member States should not underestimate the time and effort that may be required to complete the questionnaire;
* the working language will be that agreed between the Member State and the IMO. For some Member States the translation of sections of primary legislation pertaining to VTS responsibility, delivery and monitoring will be necessary. In addition, to assist with coordination of the audit, it may be necessary to use hard copy documentation; and
* if time and resources permit, it could be useful, in preparing the IMO audit, to proceed with an internal pre-audit. IALA Guideline No. 1101 on Auditing and Assessing VTS may be helpful for this purpose.

ANNEX A provides a summary of the IMSAS requirements relating to SOLAS Chapter V (Safety of Navigation) Regulation 12 and provides guidance for preparing to undertake an audit to assess how effectively the contracting government and competent authority administers and implements its obligations under this Regulation.

# Annex 1 – Guidance for Preparing for the Audit

| **Resolution A.1070(28) IMO Instruments Implementation Code (III Code)** | | | **Requirement of III Code**  **Circular Letter No. 3425 - Auditor’s Manual for the IMO Member State Audit Scheme (IMSAS), Appendix 2 – Assessment of Areas Related to the III Code (Verification Index)** | **Resolution A.1067(28)**  **Framework and Procedures for the IMO Member State Audit Scheme**  **Appendix 2 : Pre-Audit Questionnaire** | **Guidance for Contracting Governments/Competent Authorities preparing for the Audit** | |
| --- | --- | --- | --- | --- | --- | --- |
| **Para.** | | **Requirement of III Code** |  |  |  | Reference |
| **PART 1 - COMMON AREAS** | | | | | | |
| **STRATEGY** | | | | | | |
| 3 |  | In order to meet the objective of this Code, a State is recommended to: |  | Please provide the overall maritime policies and strategy of your State to implement the applicable IMO instruments and also how this is communicated to all concerned. |  |  |
|  | 3.1 | develop an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met | An overall strategy exists to ensure that international obligations and responsibilities as a flag, port and coastal State are met | Is a strategy in place to ensure that international obligations and responsibilities as a flag, port and coastal State are met?  Is the implementation and operation of VTS included in this strategy?  **If Yes**, describe the strategies developed to ensure international obligations and responsibilities are met with regards to SOLAS Chapter V (Safety of Navigation) Regulation 12? |  |
|  | 3.2 | establish a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments | Methodology established to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and |  | What methodology has been established to monitor and assess that the strategy ensures effective implementation and enforcement of SOLAS Chapter V (Safety of Navigation) Regulation 12? |  |
|  | 3.3 | continuously review the strategy to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State. | Continuous review of the strategy undertaken to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State |  | What processes have been established to continuously review the strategy to achieve, maintain and improve the overall organizational performance and capability with regards to VTS under SOLAS Chapter V (Safety of Navigation) Regulation 12? |  |
| **GENERAL** | | | | | | |
| 4 |  | Under the general provisions of treaty law and of IMO conventions, States should be responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give those instruments full and complete effect so as to ensure safety of life at sea and protection of the marine environment. | *Means in place to ensure compliance with relevant international rules and regulations in respect of maritime safety and protection of the marine environment*  *National legislation exist to give effect to the provisions of relevant IMO instruments* | 10 Please describe how your State:  .1 develops and promulgates legislation and takes all other steps to give the applicable IMO instruments full and complete effect (include a flow chart); and  .2 incorporates amendments to IMO instruments into national legislation. | Have domestic law/s and regulations been  promulgated to give full and complete effect  SOLAS Chapter V  (Safety of Navigation)  Regulation 12?  **If Yes**, list the law/s and regulations?  What administration has the contracting Government made responsible as the competent authority for VTS (refer to IMO Resolution A.857(20))?  Under which legislation is the competent authority for VTS established?  Does the legislation allow regulations to be made in relation to VTS?  Does this include arrangements for the competent authority to regulate:   * VTS Authorities, including authorisation, certification and auditing, * VTS training organisations, including accreditation, approval of model courses and auditing * Masters of vessels to provide reports required by VTS authorities and to comply with their instructions, where empowered. |  |
|  |  |  |  |  | List the VTS authorities authorised to deliver VTS by the Competent Authority? |  |
|  |  |  |  |  | Has responsibility for VTS been delegated to other bodies/agencies?   * If yes, list the agencies/bodies?   Has this delegation been formally established and documented?   * If yes, reference the documentation? |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| **Communication of Information** | | | | | | |
| **9** |  | The State should communicate its strategy, as referred to in paragraph 3, including information on its national legislation to all concerned. |  | Please provide the overall maritime policies and strategy of your State to implement the applicable IMO instruments and also how this is communicated to all concerned. | Explain the approach taken to formally communicate the states responsibilities to authorise, certify and audit the competent authority / VTS authorities |  |
| **Records** | | | | | | |
| **10** |  | Records, as appropriate, should be established and maintained to provide evidence of conformity to requirements and of the effective operation of the State. Records should remain legible, readily identifiable and retrievable. A documented procedure should be established to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records. |  | 13 Please describe which records are retained and for what period. | Provide references to relevant policies/ standards with respect to record keeping |  |
| **Improvement** | | | | | | |
| **11** |  | States should continually improve the adequacy of the measures which are taken to give effect to those conventions and protocols which they have accepted. Improvement should be made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance. |  | 14 Please describe how your State:  .1 stimulates a culture which provides for improvement of performance in relevant maritime activities;  .2 identifies and eliminate the root causes of any non-conformities; and  .3 anticipates potential non-conformities in order to prevent their occurrence. |  |  |
| **12** |  | The State should stimulate a culture which provides opportunities for improvement of performance in maritime safety and environmental protection activities, which may include, inter alia:  .1 continual training programmes relating to safety and pollution prevention;  .2 regional and national drills on safety and pollution prevention, which engage a broad spectrum of maritime-related national, regional and international organizations, companies and seafarers; and  .3 using reward and incentive mechanisms for shipping companies and seafarers regarding improving safety and pollution prevention. |  |  |  |
| **13** |  | 13 Further, the State should take action to identify and eliminate the cause of any non-conformities in order to prevent recurrence, including:  .1 review and analysis of non-conformities;  .2 implementation of necessary corrective action; and  .3 review of the corrective action taken. |  |  |  |
| **14** |  | 14 The State should determine action needed to eliminate the causes of potential non-conformities in order to prevent their occurrence. |  |  |  |
|  |  |  |  |  |  |  |
| **PART 3 – COASTAL STATES5** | | | | | | |
| **Implementation** | | | | | | |
| **45** |  | Coastal States have certain rights and obligations under various international instruments. When exercising their rights under those instruments coastal States incur additional obligations. |  | **Implementation (paragraphs 45 to 48)**  25 Please describe how your State fulfils the following:  .1 promulgating navigational warnings and dangers to navigation;  .2 establishment and maintenance of any navigational aids within waters for which it has responsibility and how information relating to these is promulgated;  .3 putting measures in place to encourage the collection of meteorological data and what use is made of this data;  .4 establishing arrangements for maritime distress communication monitoring and coordination and rescue within your State;  .5 establishing arrangements for investigating reported incidents of pollution;  .6 arrangements for the provision of hydrographic services; and  .7 any other measures undertaken by your State to evaluate its effectiveness in implementing the above provisions.  Please describe, if applicable:  .8 any maritime traffic routeing schemes or restricted areas enforced within waters for which your State has responsibility and which have not been adopted by IMO, and any ship reporting systems;  .9 any IMO maritime traffic routeing system or restricted area within waters under the jurisdiction of your State and how it is managed; and  .10 any reporting system or VTS system adopted by IMO that is within your State. |  |  |
| **46** |  | In order to effectively meet its obligations, a coastal State should: |  |  |  |
|  | **.1** | implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which it is a party; and | Policies implemented through issuance of national legislation and guidance | Describe your process for justifying the provision of VTS relative to the volume of traffic or degree of risk for each authorised VTS Authority.  Describe your arrangements for compliance with resolution A.857(20), Guidelines for VTS for each authorised VTS Authority. |  |
|  | **.2** | assign responsibilities to update and revise any relevant policies adopted, as necessary. | Responsibilities assigned to update and revise any relevant policies adopted |  |  |
| **47** |  | A coastal State should ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments to which it is a party. | Legislation, guidance and procedures established for the consistent implementation and verification of the rights, obligations and responsibilities of the State  contained in the relevant international instruments to which it is a party, in general; |  |  |
| **48** |  | Those rights, obligations and responsibilities may include, inter alia: |  |  |  |
|  | **.7** | vessel traffic services; | For vessel traffic services |  |  |  |
| **Enforcement** | | | | | | |
| **49** |  | Coastal States should take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations. | All necessary measures taken to ensure observance of international rules when exercising the rights and fulfilling the obligations as a coastal State |  |  |  |
| **50** |  | A coastal State should consider, develop and implement a control and monitoring programme, as appropriate, in order to: | Control and monitoring programme considered, developed and implemented | 26 Please describe how your State fulfills the requirements of the III Code for:  .1 considering, developing and implementing a control and monitoring programme;  .2 the timely response to pollution incidents; and  .3 cooperating with other flag and/or coastal States for the investigation of maritime casualties. | Describe the measures employed to enforce VTS legislation  Describe the measures taken to ensure compliance with VTS by ships entitled to fly your flag. (Flag State responsibility.)  Describe the measures taken to ensure compli-ance with VTS by foreign flag ships within VTS areas?  Is there a compliance and enforcement plan for VTS? |  |
|  | **.1** | provide for the allocation of statistical data so that trend analyses can be conducted to identify problem areas; | Statistical data collected and trend analyses conducted |  | How is compliance and enforcement used to identify problem areas within the VTS area |  |
|  | **.2** | establish mechanisms for timely response to pollution incidents in its waters; and | Mechanisms for timely response to pollution incidents established |  |  |  |
|  | **.3** | cooperate with flag States and/or port States, as appropriate, in investigations of maritime casualties. | Cooperation with flag States and/or port States in investigation of maritime casualties |  |  |  |
| **Evaluation and review** | | | | | | |
| **51** |  | A coastal State should periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the applicable international instruments. | Performance periodically evaluated in respect of exercising its rights and meeting its obligations under the applicable international instruments | 27 Please explain how your State evaluates its performance as a coastal State, e.g. exercises to test counter-pollution measures, rescue of distressed persons, etc. | Describe the measures taken to evaluate effectiveness of VTS (e.g. vessel tracking analysis, incident analysis, equipment service availability, planning and inspection).  Describe the measures, if any, taken to evaluate the effectiveness in implementing SOLAS regulations V/12 |  |
|  |  |  |  |  | Does the State use a recognised quality management system, e.g. ISO 9001:2000, for VTS? How does this contribute to the effectiveness in VTS service delivery |  |
|  |  |  |  |  | Does the State use other management systems for VTS, e.g. in-ternal contracts between management and subdivisions, external contracts between the organisation to be audited and its superiors of either a political and/or administrative nature or any other proprietary management system? |  |
|  |  |  |  |  | Describe how you assess and monitor conformance with IMO Resolution A.857(20) and IALA Recommendations and Guidelines related to VTS? |  |