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| **NOTE:**  This document collates the comments / suggestions received on the draft document prepared at VTS46 and submitted to Council 69 (*C69-11.4.2.1 Draft Revised IMO Resolution A.857(20) - Guidelines for VTS)* from:   * The IALA Legal Advisory Panel (LAP) from its 19th meeting*(ICG13.3.1-LAP Liaison Note to VTS47 re VTS Guidelines) –* ***highlighted in blue****;* * Comments received during the Seminar on Revision of IMO Resolution A.857(20) Guidelines for Vessel Traffic Services – ***highlighted in green****;* * Comments received on the Seminar Report *–* ***highlighted in gold;*** *and* * Comments received post seminar – ***highlighted in magenta.***   It also contains tables collating general views from stakeholders and comments on the key issues listed in MSC 99/20/3 |

| **ANNEX** | **GUIDELINES FOR VESSEL TRAFFIC SERVICES** | **ICG Discussion / Commentary** |
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| **Draft Resolution (Post VTS46)** | **Comments/ suggestions Received** |
| **1 INTRODUCTION** |  |  |
| 1.1 These Guidelines are associated with the International Convention for the Safety of Life at Sea, 1974 (SOLAS) regulation V/12 and should be complied with when planning, implementing and operating a vessel traffic service under national law. | **Japan Coast Guard** - It seems that the draft is enough and mature as the resolution. | ICG17 (15 Aug)  Agreed with ‘text to stand’. Proposed text is:   * Clear and concise * Establishes link between SOLAS, Contracting Governments, the Resolution and responsibilities for promulgating laws and regulations and for taking all other steps.   Information on planning, implementing and operating a vessel traffic is adequately covered by IALA Standards (See Section 8 – IALA Standards) |
|  | **SASEMAR** (Spain) - The information on implementation of a VTS should be expanded upon in the resolution as there is insufficient guidance to new VTS’. The current resolution had much more text regarding this. | ICG17 (15 AUG)  **See above** |
|  | **NL**: The draft Resolution itself seems to be sustainable enough for the long run. The IALA standards, Recs, Guidelines etc. have the capabilities – as they remain under permanent review – to anticipate to changing organisational, operational, technical and training requirements for VTS, also for New VTS. | ICG18 (22 Aug)  **Noted** |
| 1.2 IMO, in its role in regulating the planning, implementation and operation of vessel traffic services, is responsible for providing guidance on its establishment, operation, qualification and training. This includes a leadership role in providing a forum and framework for cooperation among Governments to facilitate the consistent and harmonized delivery of vessel traffic services worldwide. |  |  |
| 1.3 IALA is recognized as an important contributor to IMO’s role and responsibilities relating to vessel traffic services. | **BIMCO** - IMO should be consulted when adding IALA in the sentence. | ICG18 (22 Aug)  **Noted** |
| 1.4 In complying with these Guidelines Governments should take account of applicable IMO instruments and refer to the relevant international guidance prepared and published by appropriate international organizations1. |  |  |
| **2 DEFINITIONS AND CLARIFICATIONS** |  |  |
| The following terms are used in connection with a vessel traffic service: |  |  |
| 2.1 *Vessel traffic* service (VTS) means a service implemented by a Government with the capability to interact with vessel traffic and respond to developing situations within a vessel traffic service area to improve the safety and efficiency of navigation, safety of life at sea and to support the protection of the environment. |  |  |
| 2.2 *Competent authority* means the authority made legally responsible by the Government for vessel traffic services. | **Japan Coast Guard** - In Japan, JCG has accepted Arrival Notification and provided information, advice, etc., entitled by Maritime Traffic Safety Act and others, therefore we understand that JCG is competent authority for VTS within relevant bylaws. | ICG17 (15 AUG)  Noted – Agreed with ‘text to stand’. |
|  | **Canada** – there may still be ambiguity using the terms ‘competent authority’ and ‘VTS provider’. This should be clarified. | ICG17 (15 AUG)  Noted and viewed as a national matter in terms of giving effect to**.**  See above |
| 2.3 *VTS provider* means the organization or entity legally empowered by the Government or Competent authority for the provision of a vessel traffic service. | **Japan Coast Guard** - JCG also supports the new name and definition of a VTS Provider | ICG17 (15 AUG)  Noted – see above |
|  | **SASEMAR** (Spain) – SASEMAR supports the new name and definition of a VTS provider. | ICG17 (15 Aug)  Noted – see above |
| 2.4 *VTS area* means the delineated, formally declared area for which the vessel traffic service provider is legally empowered to deliver a vessel traffic service. |  |  |
| 2.5 *VTS personnel* means persons performing tasks associated with vessel traffic services, trained in vessel traffic service operations and holding qualifications as appropriate. |  |  |
| 2.6 Allied services means services other than VTS involved in the safe and efficient passage of a vessel through a VTS area, such as pilotage, tugs and linesman.  *~~Allied services~~* ~~mean services, other than a vessel traffic service, supporting vessel traffic.~~ | **IMPA**   * Like the Generalist “umbrella” style of the new document however it perhaps ignores VTS’ basic role as a communicator between the many allied Port services. * We feel in 5 of the draft text where it speaks of “*support to, and co-operate with, Allied Services*”, there should be specific mention of Pilots, Tugs and Linesmen. | ICG18 (22 Aug)  The proposed definition is quite different to what is in the IALA Dictionary, VTS Manual and Guideline 1102. That is:  *Allied Services are services actively involved in the safe and efficient passage of the vessel through the VTS area.*  The VTS Manual is quite confusing in referring to “Allied Services” and “Other Services”.  Noting comments from IMPA, BIMCO and SASEMAR, it was agreed that the IALA dictionary definition be adopted with the added text as shown below to provide clear examples ‘allied service’.  ***“Allied services* means services other than VTS involved in the safe and efficient passage of a vessel through a VTS area, such as pilotage, tugs and linesman.”** |
|  | **SASEMAR** (Spain) - There is a general lack of references to key stakeholders such as pilots within the draft Resolution. | ICG18 (22 Aug)  **Noted** – see above  ICG17 (15 Aug)  Agreed with ‘text to stand’.  Members considered the draft text to be more generic and allow for a broad range of ‘services’ as opposed to possibly being viewed as inclusive.  Note: it was agreed that this should be referenced in the cover note to the IMO seeking their input.  Comments Post Seminar  Suggest adding “such as pilots, tugs and linesmen”. That is:  “2.6 *Allied services* mean services, other than a vessel traffic service, supporting vessel traffic, such as pilots, tugs and linesmen.” |
|  | **BIMCO** - Allied service – needs more clarification. The wordings in the definition of **VTS in 2.1** itself seems to include services such as pilotage, tugs, linesman etc. The reader may not be fully aware of what this service encompasses and what it does not. | ICG18 (22 Aug)  **Noted** – see above |
| *2.7 Participating* *ship* means a ship [legally] required to participate with the VTS. | **BIMCO** - Participating ship (it should also encompass all ships that voluntarily participate).  Change the wording in 2.6 as follows  “Participating ship means a ship that participates in a VTS. Such participation may be either voluntary or mandatory.”  Or change the wording in 6.2 | ICG19 (26 Aug)  General discussion regarding the definition of ‘participating ship’ and recognition of ‘voluntary participation’ in a VTS highlighted that:   * Both SOLAS and the existing resolution have a focus on mandatory VTS. For example the responsibilities of Contracting Governments, Competent Authorities and VTS providers include: * *Establish a legal basis* – (Section 4.1.1) * *Regulatory Framework* – (Section 4.2.1) * *Compliance and Enforcement framework* (Section 4.2.4) * *Ensure VTS conforms with national law* (Section 4.3.1) * Voluntary participants may not be subject to the same standards as participating vessels with such as training and carriage requirements. * Participation on a voluntary basis is a local matter.   It was concluded that the word ‘legally’ be placed in square brackets and the issue considered further in section 6 in terms of how best to recognise “voluntary participation”.  See amended section 6.2 below addressing ‘voluntary participation’. |
|  | **LAP Liaison Note to VTS47**  3.2 (Section 4 – Responsibilities)  It may also be beneficial to define what is meant by a ‘participating ship’ | ICG16 (6 Aug)  Agreed to include definition of ‘*participating ship’*   * Refer to deleted Section 4 below for background information on adoption of the definition for ‘participating ship’   Further review with LAP (seminar 26/27 Jun)  To address LAP’s comment, suggest:   * Including definition of ‘participating ship’ in Section 2. Proposed text:   ***“2.6 Participating ship means a ship legally required to participate with the VTS provider”***   * Section 4 be limited to **VTS responsibilities only**.   The text regarding ‘Participating ships’ be lifted out into a new Section 6 - RESPONSIBILITIES OF PARTICIPATING SHIPS (See below) |
| **3 REGULATORY AND LEGAL FRAMEWORK** |  |  |
| 3.1 Under the general provisions of treaty law and of IMO conventions, Contracting Governments 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. | **LAP Liaison Note to VTS47**  That section 3.1 is deleted as this is general in nature and not specifically related to VTS. Furthermore, the manner and methods of the implementation of international treaties is a national matter. | ICG16 (6 Aug)  Agreed with ‘text to stand’  Further review with LAP (seminar 26/27 Jun)  LAP content for text to stand – possible future review by IMO  Comments ICG15 (24 June)  The chair from LAP provided additional background where LAP members felt that making references to the treaties were too high level for this resolution.  The group should give careful consideration to LAPs advice and discuss further after the seminar, having taken the advice of the IMO Secretariat.  Comments ICG14 (14 June)  The paragraph should remain, noting that:   * It provides clear guidance to Governments of their obligations to promulgate laws and regulations to provide the legal basis for VTS; and * The IMO delegate at VTS46 concurred that this paragraph should be included as it covers all the key instruments. |
| 3.2 Vessel traffic services are recognized internationally as a navigational safety measure through SOLAS regulation V/12. |  |  |
| 3.3 The establishment of a VTS is dependent on national law, recognizing factors such as the volume of traffic, degree of risk, geographic and environmental conditions. ~~and factors such as the volume of traffic and degree of risk, and geographic, and environmental conditions~~. | **BIMCO** - Need some cleaning up. Suggest the following words –  “The establishment of a VTS is dependent on national law and the prevailing degree of risks such as volume and density of marine traffic, geographic and/or environmental conditions.” Some of words have been taken from SOLAS V Reg 12. | ICG19 (26 Aug)  General discussion highlighted the importance of this paragraph. Taking into account BIMCOs comment and discussions it was agreed to make the following minor amendment:  *“The establishment of a VTS is dependent on national law, recognizing factors such as the volume of traffic, degree of risk, geographic and environmental conditions ~~and factors such as the volume of traffic and degree of risk, and geographic, and environmental conditions~~.”* |
|  | **LAP Liaison Note to VTS47**  That the text ‘*and geographic and environmental conditions*’ is deleted. This would serve to harmonise the section with SOLAS Chapter V, Regulation 12 (paragraph 2) and that geographic and environmental considerations would be sufficiently encompassed in an assessment of the volume of traffic and degree of risk. | ICG16 (6 Aug)  Agreed with ‘text to stand’  Further review with LAP (seminar 26/27 Jun)  LAP content for text to stand.  Comments ICG14 (14 June)  The suggestion to delete *‘and geographic and environmental conditions’* be discussed further by the Group, prior to preparing its report to VTS47.  **Note.** The Group is of the view that the use of footnotes referring to other instruments should be discouraged. |
| **SASEMAR** (Spain) - This is such a short reference compared to the previous resolution. People may query why the distinction between port and coastal VTS has now been erased. | ICG17 (15 Aug)  Agreed with ‘text to stand’  Also agreed that the distinction between port and coastal VTS is no longer required (noting Section 5 Purpose of a VTS) and be included in the cover note to the IMO accompanying the submission.  Comments Post Seminar  Noted – retain draft text– Purpose of a VTS is covered in Section 5 |
|  | **Japan Coast Guard** - This matter would be handled within subordinate IALA documents. | ICG17 (15 Aug)  Noted – see above |
| 3.4 A VTS may be established beyond the territorial seas of a coastal State on the basis of voluntary participation. Such a VTS may be established in association with an IMO adopted ships’ routeing system or mandatory ship reporting system, in accordance with SOLAS regulations V/102 and V/113, respectively. | **IAIN** - Suggest that "territorial waters" should read "claimed territorial waters or economic zones". Suggest a note to the effect that provision of VTS does not impact on sovereignty over those waters. | ICG17 (15 Aug)  Agreed with ‘text to stand’ noting this is a legal matter (UNCLOS / SOLAS refer to Territorial Seas).  Also agreed that this be included in the cover note to the IMO accompanying the submission for their consideration  ICG16 (6 Aug)  Agreed with ‘text to stand’  **Suggest retaining draft text**  SOLAS explicitly refers to the “Territorial Sea”? It makes no reference to "*claimed territorial waters or economic zones with regards to VTS*".  See also the Liaison Note from LAP with respect to the Territorial Sea. |
|  | **Japan Coast Guard** - This issue seems like that already cleared by SOLAS ChapterⅤ- Regulation12-pragraph 3. JCG supports the draft. | ICG17 (15 Aug)  Noted – see above |
| **NL**: there is an editorial error in 3.4: it should be SOLAS regulations V/10 and V/11, respectively. | ICG19 (26 Aug)  Noted – Has been addressed in recent amendments. |
| 3.5 Contracting Governments should ensure that ships flying their flag comply with the requirements of vessel traffic services. Those Contracting Governments which have received information of an alleged violation of a VTS by a ship flying their flag should provide the Government which has reported the offence with details of any appropriate action taken. |  | ICG19 (26 Aug)  As discussed in 6.3 below it was agreed to incorporate text from the current resolution (Section 2.2.5) regarding the obligations of Contracting Governments to ensure that ships flying their flag comply with the requirements of vessel traffic services in a new Section 3.5. That is:  *“**Contracting Governments should ensure that ships flying their flag comply with the requirements of vessel traffic services. Those Contracting Governments which have received information of an alleged violation of a VTS by a ship flying their flag should provide the Government which has reported the offence with details of any appropriate action taken.”* |
| **4 VTS RESPONSIBILITIES** |  | Further review with LAP (seminar 26/27 Jun)  LAP comments at section 4.4 would be addressed by:   1. Limiting this section to **VTS RESPONSIBILITIES;** and 2. Creating a new section for **PARTICIPATING SHIP RESPONSIBILITIES** as shown below   Note: If agreed, change Section 4 title to read “**VTS RESPONSIBILITIES”**. |
| **4.1 [Contracting] Governments** | **LAP Liaison Note to VTS47**  Within section 4.1, noting that the draft Resolution text is directed to ‘Governments’ and that ‘Governments’ are referred to elsewhere in the draft Guidelines, it is suggested that the term ‘*Contracting Government’* be deleted from section 4 and replaced with *‘Government’*. | ICG16 (6 Aug)  Agreed with ‘square brackets’ pending further information  Further review with LAP (seminar 26/27 Jun)  LAP content for IMO to decide. Therefore suggest placing “Contracting” in square brackets  Comments ICG14 (14 June)  That further advice be sought on the use of “*Contracting Governments*” and ‘*Governments,* noting that the Group has received conflicting advice on this to date.  Pending the advice, this will be considered further by the Group post seminar, prior to preparing its report to VTS47. |
|  | **BIMCO** - Governments vs contracting governments – Contracting governments is more appropriate for these guidelines. This should be used consistently throughout the document. | ICG19 (26 Aug)  **Noted** – to be included in cover note to IMO with the submission |
| 4.1 The [Contracting] Government should: |  |  |
| .1 [promulgate laws and regulations to] establish a legal basis for VTS that gives effect to international law and SOLAS regulation V/12; | **LAP Liaison Note to VTS47**  That the text of ‘*promulgate laws and regulations to*’ is deleted for the same reasons as the proposed deletion of section 3.1 reflecting that the manner and methods of the implementation of international treaties is a national matter. | ICG16 (6 Aug)  Agreed with ‘square brackets’ pending clarification from IMO  Further review with LAP (seminar 26/27 Jun)  LAP still feel that the text of ‘*promulgate laws and regulations to*’ should be deleted. Question - Does it add value?  Comments ICG15 (24 June)  The chair from LAP provided additional background where LAP members felt that making references to the treaties were too high level for this resolution.  The group should give careful consideration to LAPs advice and discuss further after the seminar, having taken the advice of the IMO Secretariat.  Comments ICG14 (14 June)  That the text *‘promulgate laws and regulations to’* be retained, noting the linkage and relationship with section 3.1 |
|  | **MS** - []establish a national(?) legal basis for VTS that gives effect to international law and SOLAS regulation V/12;  Could this be a solution? | ICG 19 (26 Aug)  Agreed to let the draft remain as it is and let IMO decide whether it needs resolved further. |
| .2 appoint and authorize a competent authority for VTS; |  |  |
| .3 take appropriate action against a ship flying its flag that is reported not to have complied with the provisions of a VTS; and |  |  |
| .4 take account of future technical and other developments recognized by the Organization relating to VTS. | **The Netherlands** – technological developments are so rapid that the IMO may not recognize them for a long time. Suggest the text is amended in order to not tie it to IMO recognition. | ICG17 (15 Aug)  Agreed with ‘text to stand’noting:   * This is a ‘baseline’ which governments should take into account for future developments. * The legal implications are correct * Still leaves it open for governments to implement or go beyond. * This is an IMO document and IMO may not wish to recognise developments not recognised by the IMO.   It was also agreed that this be included in the cover note to the IMO accompanying the submission for their consideration |
|  | **France** – this point does not add value to the resolution, this is already covered under section 8. IALA Standards. | ICG17 (15 Aug)  Noted - The text enhances the resolution by linking it to future technical and other developments recognized by the Organization relating to VTS (See comment from IALA LAP Chair below). |
|  | **Norway** - this point enhances the resolution. It should be retained. | ICG17 (15 Aug)  See comment from IALA LAP Chair below |
|  | **IALA LAP Chair** – this point enhances the resolution. | ICG17 (15 Aug)  See above |
|  | MITAGS (USA) – care must be taken to not isolate those VTSs who may not have access to new technology. | ICG17 (15 Aug)  Noted |
|  | **Japan Coast Guard** - This definition is basic principal for the attitude of the Contracting Governments.  JCG agrees this point enhancing the resolution. | ICG17 (15 Aug)  Noted |
| **4.2 Competent authority for VTS** |  |  |
| 4.2 The Competent authority should: | Comment – need to standardise capitals for terms such as “*Competent Authority*” vs “*competent authority*”. | Comments ICG14 (14 June)  An editorial matter - to be resolved by the Group prior to preparing its report to VTS47. |
| .1 establish a regulatory framework for establishing and operating VTSs in accordance with relevant international conventions and IMO instruments, IALA standards and national law; | **Canada** – The phrase ‘establish a regulatory framework’ is better than the previous text that read ‘legally appointed’. | ICG17 (15 Aug)  Noted - ‘text to stand’ |
|  | **Japan Coast Guard** - JCG agrees Canada perspective. | ICG17 (15 Aug)  See above |
| .2 authorize a VTS provider to operate a VTS within a delineated VTS area in accordance with national and international law; |  |  |
| .3 ensure that VTS training and certification is accredited and approved in accordance with the [IALA] standards ~~[acceptable to the Organization~~]4; and |  | Refer to comments in Section 8 |
| .4 establish a compliance and enforcement framework with respect to violations of VTS regulatory requirements. |  |  |
| **4.3 VTS provider** | **China MSA** – Operational and emergency procedures should be made by VTS providers and there should be a reference to this in this section. | ICG17 (15 Aug)  Noted – Text to stand  Operational and emergency procedures are now well covered by Section 8 – IALA Standards. IALA has normative provisions for VTS Procedures |
|  | **Anonymous** - there is no reference for VTS provider regarding training in 4.3.1 and 4.3.4 it should also refer to IALA standards | ICG17 (15 Aug)  Noted – Text to stand  Current resolution has an annex regarding training. Covered by Section 8 – IALA Standards  Noting that the existing resolution has a large emphasis on training (Annex 2) it was agreed that this be included in the cover note to the IMO accompanying the submission for their consideration |
|  | **Japan Coast Guard** - Regarding both issues, would be described in subordinate documents of IALA. | ICG17 (15 Aug)  See above |
| The ~~competent authority~~ VTS provider should: |  | Comments ICG14 (14 June)  Need to consistently number paragraphs (see 4.1.1 and 4.2.1 above compared to VTS provider and Participating ships))  An editorial matter - to be resolved by the Group prior to preparing its report to VTS47. |
| .1 ensure the VTS conforms with national law and the regulatory framework set by the Competent authority for VTS; |  |  |
| .2 set operational objectives for the VTS that are consistent with improving the safety and efficiency of vessel traffic and protection of the environment. The objectives set should be routinely evaluated to demonstrate they are being achieved; |  |  |
| .3 ensure that appropriate equipment, systems and facilities are provided; |  |  |
| .4 ensure that a VTS is adequately staffed and that VTS personnel are appropriately trained and qualified ~~ensure that VTS personnel are appropriately trained and qualified;~~ and | **China MSA** – the words ‘sufficiently staffed’ should be added to this text. | ICG17 (15 Aug)  Agreed – noting:   * The text provides a baseline for governments to ensure a VTS is adequately staffed to deliver its purpose * Provides a hook for IALA guidance   *Amended text agreed to is:*  *‘‘****ensure that a VTS is adequately staffed and that VTS personnel are appropriately trained and qualified’*** |
|  | **Japan Coast Guard** - JCG supports the draft. Sufficiently staffed matter is featured in IALA documents | ICG17 (15 Aug)  Noted – see above |
| .5 ensure that information regarding the requirements and procedures of the VTS and the categories of vessels required to participate in the VTS are promulgated in appropriate nautical publications. |  | ICG16 (6 Aug)  Agreed with text “*and the categories of vessels required to participate in the VTS*”  Further review with LAP (seminar 26/27 Jun)  Suggest amended text to link to LAP proposals regarding participating ships in amended Section 6  *“ensure that information regarding requirements and procedures of the VTS* ***and the categories of vessels required to participate in the VTS*** *are promulgated in appropriate nautical publications.* |
|  | **BIMCO** - Vessels or Ships ? – IMO uses Ships. Please look at Chapter V Reg 1 - Application | ICG 19 (26 Aug)  **Noted** – The current resolution uses the word “vessel” 89 times and ‘ship’ 28 times.  It was agreed that this requires further input by the IMO and will be included in the cover note that accompanies the submission to NCSR. |
| **~~4.4 Participating ships~~** | **LAP Liaison Note to VTS47**  It is not clear as to what is meant by ‘the provisions and instructions given to the ship by the VTS’.  Whilst the term ‘provisions’ is contained within SOLAS Chapter V, Regulation 12 (paragraph 4) it is not clear what is meant by this. It may be beneficial to articulate what is meant by ‘provisions’ (which may be the procedures/regulations/rules of a VTS). It may also be beneficial to define what is meant by a ‘participating ship’.  Considering the proposed text stating that a Master ‘may be required to report on their actions should they disregard any instruction, advice or request given by a VTS’, whilst the basis for such a report for disregarding an instruction is relatively clear, with the IMO Standard Marine Communication Phrases (SMCP) stating that ‘the recipient has to follow this legally binding message unless s/he has contradictory safety reasons which then have to be reported to the sender’ the situation may not be so clear with respect to advice and request.  The SMCP states that ‘advice does not necessarily have to be followed but should be considered very carefully’. Therefore, it is not considered that a VTS may ‘require’ a Master to report on their actions if advice is disregarded.  Furthermore, the SMCP definition of request is ‘this indicates that the following message is asking for action from others with respect to the vessel. The use of this marker is to signal: I want something to be arranged or provided, e.g. ship´s stores requirements, tugs, permission, etc’ and that the term request ‘must not be used involving navigation, or to modify COLREGS’ it is therefore suggested that the inclusion of the term request in this section is not appropriate. | ICG16 (6 Aug)  Agreed with deleting 4.4 and incorporated in the proposed text for the amended Section 6 on “RESPONSIBILITIES OF PARTICIPATING SHIPS” below  Further review with LAP (seminar 26/27 Jun)  To address LAP’s comment, suggest:   * Including definition of ‘participating ship’ in Section 2. Proposed text:   ***“2.6 Participating ship means a ship legally required to participate with the VTS provider”***   * Section 4 be limited to VTS responsibilities only.   The text regarding ‘Participating ships’ be lifted out into a new Section 6 - RESPONSIBILITIES OF PARTICIPATING SHIPS  (See also Section 2.6 and 6).  *Comments from ICG15 (24 June)*  The chair from LAP provided additional background to their comments. Definitions should be available for instruction, warnings, advice and request.  There is a need to define what the VTS needs to do and how are they achieving a task. It is necessary to state how the VTS will achieve their tasks.  Further, it was noted that the definition should make reference to how does the VTS act?  The text needs to be specific and direct, for example, what is expected when an instruction is given.  It was noted this could be achieved in a few different ways, for example, a dedicated definition, or in text within paragraph 5.  General discussion to whether cross references to the SMCP definitions or IALA Standards, Recommendations and Guidelines are a suitable alternative to creating a definition within this new/updated IMO Resolution. The chair of LAP stated that at this level of IMO documentation it is expected that definitions should be contained within this document.  The chair of LAP suggested that the group should give careful consideration to their advice and discuss further after the seminar.  It was noted that a careful balance needs to be achieved to have the resolution goal based and move away from being too prescriptive. The document needs to be future proofed to accommodate changes to operations and technology. |
| ~~Participating ships in a VTS area should:~~ | Comments ICG14 (14 June)  General discussion questioned the term ‘*Participating Ship*” and whether a definition was required.  Consensus was that a definition may not be required and the following alternative text was suggested:  *“ships participating in a VTS area should”.*  It was concluded this should be considered further by the Group post seminar, prior to preparing its report to VTS47. |
| ~~.1 provide information required by the VTS;~~ |  |
| ~~.2 take into account advice provided by the VTS; and~~ | Comments ICG14 (14 June)  A minor amendment to the text was suggested as shown below:  *“take into account* ***the*** *advice provided by the VTS; and”.*  It was concluded this should be considered further by the Group post seminar, prior to preparing its report to VTS47. |
| ~~.3 comply with the provisions and instructions given to the ship by the VTS unless contradictory safety reasons exist. Masters may be required to report on their actions should they decide to disregard any instruction, advice or request given by a VTS.~~ | Comments ICG14 (14 June)  Members noted that the term ‘*provisions’* is used in SOLAS V12.4:  *“Contracting Governments shall endeavour to secure the participation in, and compliance with, the provisions of vessel traffic services by ships entitled to fly their flag*.”  Noting the comments from LAP the following alternative text was suggested:  *“comply with the requirements of the VTS and instructions given unless contradictory safety reasons exist.”*  It was concluded that the ICG should give further consideration to this after seminar. |
|  | **BIMCO** - vessels are asked to comply unless contradictory safety reasons exist. At times there could be security or environmental protection reasons as well. | ICG17 (15 Aug)  Noted - addressed in amended section 6.3 (Responsibilities of Participating Ships) |
|  | **IHMA** - Agree with BIMCO but on the principle of less is more let's just drop safety and say, "vessels are asked to comply unless contradictory reasons exist". | ICG17 (15 Aug)  IHMA advised that after the explanation provided by LAP, IHMA are satisfied with retaining the new baseline draft text. |
|  | **IFSMA** – should this section say that masters are responsible for the safe navigation and manoeuvring of the ship before we go on to saying they may be required to report on their actions. | ICG17 (15 Aug)  Secretariat advised that IFSMA are now satisfied that this is now covered in the new baseline draft text under 7.1  It was also agreed that the use of the terms ‘master’ / ‘ship master’ be included in the cover note to the IMO accompanying the submission for their consideration. |
|  | **Japan Coast Guard** - Opinions of BIMCO and IHMA are acceptable, and the perspective of IFSMA is most adequately on this issue. | ICG17 (15 Aug)  Noted |
| **5 PURPOSE OF A VTS** |  | Comments ICG14 (14 June)  General discussion highlighted that this section was about the “*purpose of a VTS*” and not about *“how things are done*”. |
| 5.1 The purpose of vessel traffic services is to contribute to safety of life at sea, safety and efficiency of navigation and the protection of the marine environment within the VTS area by mitigating the development of unsafe situations through:  ~~The purpose of vessel traffic services is to contribute to safety of life at sea, safety and efficiency of navigation and the protection of the marine environment.~~ |  | ICG16 (6 Aug)  Agreed to merge existing 5.1 and 5.2 to form a new single introductory sub-paragraph.  Further review with LAP (seminar 26/27 Jun)  Taking into account LAP concerns at 5.2, suggest:   1. Merging existing 5.1 and 5.2 to form a new single introductory sub-paragraph as follows:   ***“5.1 The purpose of vessel traffic services is to contribute to safety of life at sea, safety and efficiency of navigation and the protection of the marine environment within the VTS area by mitigating the development of unsafe situations through:”***   1. Creating a new 5.2 at the end of section 5 and after all the 5.1 sub-paragraphs:   ***“5.2 To achieve its purpose, a VTS should provide information or issue advice, warnings and instructions as deemed necessary.”*** |
| ~~5.2 To achieve its purpose, a VTS should manage the safe and efficient transit of ships within the VTS area and mitigate the development of unsafe situations through:~~ | **LAP Liaison Note to VTS47**  Bearing in mind the proposed change in structure of the three types of VTS, it is suggested to modify the text to better articulate the purpose of a VTS related to the giving of ‘*information, advice, warnings and instructions to manage the safe and efficient navigation of ships…*’. It is further suggested to substitute the term ‘*transit’* for ‘*navigation’*. | ICG16 (6 Aug)  Agreed to merge existing 5.1 and 5.2 to form a new single introductory sub-paragraph as above  Further review with LAP (seminar 26/27 Jun)  LAP’s comments would be addressed with a new sub-paragraph 5.2 at the very end of this section (as above).  Comments ICG15 (24 June)  The group recognised that these LAP comments are linked to paragraph 4.3. The group will need to consider what action should be taken with regard to their comments. See paragraph 4.3 above for more details.  It was agreed that ‘navigation’ may be misconstrued as it implies onboard ship activities. However, ‘transit’ can be interpreted in different ways. Consideration needs to be given to vessels that are in the VTS area but not necessarily participating.  Comments ICG14 (14 June)  General discussion on the on use of the words ‘*transit* or ‘*navigation’* and the suggested text relating to the giving of *‘information, advice, warnings and instructions to manage the safe and efficient navigation of ships*” highlighted:   * This section is about the “purpose of a VTS” and not the operation of a VTS (i.e. about how things are done). * VTS is delivering a service to support a vessels transit through an area. Navigation is something undertaken onboard the ship. * The use of “‘*information, advice, warnings and instructions*” is described in 6.2.   Noting the above, the following options were suggested:   * That Section 5.1 and 5.2 be combined, for example:   *“The purpose of vessel traffic services is to contribute to safety of life at sea, safety and efficiency of navigation and the protection of the marine environment by mitigating the development of unsafe situations through:*  - ie referring to the 3 sub-paragraphs under the existing 5.3 below   * Retain 5.1and amend 5.2:   *“To achieve its purpose, a VTS should [be able to manage the safe and…] give information, advice, warnings and instructions to manage the safe and efficient transit of ships within the VTS area and mitigate the development of unsafe situations through:*  It was concluded that the ICG should give further consideration to Section 5 post seminar. |
| .1 The provision of timely and relevant information on factors that may influence the ship's ~~transit~~ movements and ~~to~~ assist on-board decision making. This may include: | **BIMCO** - editorial – to assist on-board decision making. The word “to” is unnecessary. | ICG19 (26 Aug)  It was agreed to delete the ‘to’. |
|  | **LAP Liaison Note to VTS47**  Sections 5.2.1 and 5.2.2 provide examples of what a VTS may do with respect to the provision of timely and relevant information and the monitoring and management of traffic.  However, section 5.2.3 states that a VTS should respond to developing unsafe situations but goes on to provide examples of such unsafe situations without providing any guidance on what such a response may include. | ICG16 (6 Aug)  Agreed to replace ‘transit’ with ‘movements’  Further review with LAP (seminar 26/27 Jun)  LAP’s general comments would be addressed with a new sub-paragraph 5.2 at the very end of this section (see below)  LAP’s specific comment at 5.2 above regarding the term “transit” is now only used in this sub-paragraph. This concern would be addressed by replacing “transit” with the term “movements”  Comments ICG14 (14 June)  The Group does not consider LAPs views add clarity.  It was concluded that the ICG should give further consideration to this post seminar. |
| .1 position, identity, intention and movements of ships; |  |  |
| .2 ~~M~~maritime ~~S~~safety ~~I~~information; | **MS** - .2 Maritime Safety Information adverse weather conditions and other warnings;  I think we should be careful to use this expression as it is mentioned in other SOLAS parts (IV and V/5) and other IMO Resolutions that is not mentioned elsewhere in our document.  As I know, it may not always be the responsibility of the VTS to issue MSI. It is up to the Government to appoint this responsibility and it normally concerns NAVTEX etc. It may be the VTS, but it may also be another body – which is the case for Sweden for example.  However, the VTS should of course be able to give information on weather and sea conditions anyway but it may not be MSI.    Res. A.1051(27) definition in accordance with regulation IV/2 of the 1974 SOLAS Convention:  Maritime safety information (MSI) means navigational and meteorological warnings, meteorological forecasts and other urgent safety-related messages broadcast to ships)  Also, guidance for handling and formatting meteorological information is given in the revised Joint  IMO/IHO/WMO Manual on Maritime Safety Information, as approved under MSC.1/Circ.1310, the NAVTEX Manual, the International SafetyNET Manual and the Manual on Marine Meteorological Services (WMO-No. 558).  I don’t think that we mean the above here as this is a huge task beside monitoring the VTS area.  I would therefore raise caution to mention MSI as it may be interpreted that the VTS should do that all the time. It may however be an additional service that the VTS has been tasked to do, but again – it’s up to each Government and the regulations and requirements behind are something that we haven’t mentioned at all. | ICG19 (26 Aug)  General discussion on referring to “Maritime Safety Information” as an example of timely and relevant information that a VTS may provide to a ship and possible implications associated with other SOLAS chapters (e.g. IV and V/5) concluded that the draft text should stand.  Trond Ski advised that he had an opportunity to discuss this with Osamu Marumoto (Technical Officer, Maritime Safety Division, IMO) and Peter Doherty (Chair, IHO World Wide Navigational Warning Committee) later in the day. Trond responded that:   * + - Osamu and Peter advised that they had no problem with the current wording in 5.1.1.2.     - According to Osamu, the current IMO style guide would require us to use lower case. That is, 5.1.1.2 should read:   “ *.2 maritime safety information*”;  . |
| .3 limitations of ships in the VTS area that may impose restrictions on the navigation of other ships (e.g. manoeuvrability), or any other potential hindrances; | **MS** - Adding this as MSI also includes navigational warnings and this bullet now takes care of that on its own. | ICG19 (26 Aug)  Noted – It was agreed the text should stand. |
| .4 other information such as reporting formalities and International Ship and Port Facility Security (ISPS) details; and | **MS** - Needs to be explained somewhere or just mention “ship/port security details”. | ICG19 (26 Aug)  Consideration of the comment on 5.1.1.4 concluded that the text should be amended to clearly reference the International Ship and Port Facility Security (ISPS) code. That is:  *“.4* *other information such as reporting formalities and ISPS International Ship and Port Facility Security (ISPS) code details; and*” |
| .5 support to, and cooperation with, allied services. |  | Comments ICG14 (14 June)  Should there be specific mention of Pilots, Tugs and Linesmen?  **Possible Response:** Amend definition of allied services (See 2.6) to include, such as Pilots, Tugs and Linesmen |
| .2 The monitoring and management of traffic to ensure the safety and efficiency of ship movements. This may include: |  | Comments ICG14 (14 June)   * In paragraph 5.2.2.1 the text of the bullet reads “*forward planning and organizing ship movements*”.   And in paragraph 5.2.2.3 the text reads “*forward planning of ship movements*”.   * Use of verbs in 5.2.2 - verbs not used in sections 5.2.1 or 5.2.3 - align 5.2.2 with the other two subparagraphs? * *VTS Sailing Plan - T*he only place where a VTS Sailing Plan is defined is in our current A.857(20) as *“a plan which is mutually agreed between a VTS Authority and the master of a vessel concerning the movement of the vessel* in a VTS Area” – Suggest voyage/passage plan be used.   **Suggested alternative text below:** |
| .1 forward planning of ship movements ~~forward planning and organizing ship movements~~; |  | At ICG17 (15 Aug)  Minor amendments were agreed to remove the duplication of text between sub-points and include “voyage plans” or “passage plans” and generally enhance the text as shown below:  *.1 forward planning of ship movements;*  *.2 organizing vessels underway;*  *.3 organizing space allocation;*  *.4 establishing a system of traffic clearances;*  *.5 establishing a system of voyage or passage plans;*  *.6 providing route advice; and*  *.7 ensuring compliance with and enforcement of regulatory provisions for which they are empowered.* |
| **BIMCO** - forward planning is repeated twice. No explanation given. Readers might get confused. Therefore, need some explanatory notes!! | ICG19 (26 Aug)  **Noted** - This was addressed in the revision agreed to at ICG17. |
| **IHMA** – suggestion to delete .3 as .1, .2 and .3 are very similar. | ICG17 (15 Aug)  See above |
|  | **Japan Coast Guard** - Item 3 is brought by item1 and item2. Therefore, item 1, 2, 3 will be remained. | ICG17 (15 Aug)  See above |
| .2 organizing vessels underway ~~organizing the allocation of space~~; |  |  |
| .3 organizing space allocation ~~forward planning of ship movements~~; |  |  |
| .4 establishing a system of traffic clearances ~~establishing a system of traffic clearances or sailing plans, or both~~; |  |  |
| .5 establishing a system of voyage or passage plans ~~providing route advice; and~~ |  |  |
| .6 providing route advice; and ~~ensuring compliance with and enforcement of regulatory provisions for which they are empowered.~~ |  |  |
| .7 ensuring compliance with and enforcement of regulatory provisions for which they are empowered. |  |  |
| .3 Responding to developing unsafe situations, which may include: ~~to assist the decision-making process on board. This may include~~: | **LAP Liaison Note to VTS47**  With respect to the provision of an instruction, it is contradictory to assist with a decision on board that was made onshore by a VTS.  Although the final decision remains with the Master (see section 6.1), this will only be relevant in cases when there is an imminent danger for the ship or its crew by following the instruction. Therefore, it cannot be assistance to the decision-making process onboard. This could lead to an interpretation that instructions issued by a VTS are not binding and everything will be up to the Master.  This would also question the status of a VTS. The main message within section 5.2.3 must be addressed to the VTS and not the Master onboard to ensure that the VTS absolutely has to act in unsafe situations to maintain or regain an acceptable level of safety.  To better articulate what is expected of a VTS in response to a developing unsafe situation the text could possibly be amended to:   * ‘*Responding to developing unsafe situations by undertaking all necessary measures to maintain or regain an acceptable level of safety. Such unsafe situations may include:...*’. | Further review with LAP (seminar 26/27 Jun)  ICG16 (6 Aug)  Agreed to removing all reference to assisting the decision-making process on board.  LAP would be content with introductory text that removes all reference to assisting the decision-making process on board.  Suggested amended text is:  ***“Responding to developing unsafe situations, which may include:”***  Comments ICG15 (24 June)  The group noted at the last meeting, it was suggested that the paragraph be shortened to read *“Responding to developing unsafe situations”*. The text *“to assist the decision-making process on board*” is no longer required as this was making reference to navigational assistance.  Comments ICG14 (14 June)  General discussion at ICG concluded:   * The LAP suggested text does not add clarity and requires further consideration post-seminar. * This section is about the purpose not the operation of a VTS   It was concluded that the ICG should give further consideration to this post seminar. |
| .1 a ship unsure of its route or position; |  |  |
| .2 a ship deviating from the route; |  |  |
| .3 a ship requiring guidance to an anchoring position; |  |  |
| .4 a ship that has defects or deficiencies, such as navigation or manoeuvring equipment failure; |  |  |
| .5 severe meteorological conditions (e.g. low visibility, strong winds); |  |  |
| .6 a ship at risk of grounding or collision; and |  |  |
| .7 emergency response or support to emergency services. | **SASEMAR** (Spain) - VTS Authorities that provide search and rescue services may require more clarification on this paragraph. | ICG17 (15 Aug)  Agreed with ‘text to stand’, noting:   * This Resolution is based on SOLAS Chapter V, Regulation 12. Separate international provisions exist for SAR * Co-siting VTS and SAR is a national matter   It was also agreed that this be included in the cover note to the IMO accompanying the submission. |
|  | **Leonardo s.p.a (Italy**) - Should SAR be a function of a VTS? |
|  | **France** – France has joint MRCC and VTS and dedicated people for both, we are also declared as Maritime Assistance Service, which works to have this kind of combined centre. |
|  | **Japan Coast Guard** - VTS and SAR activities are combined or not, is depend on each national system.  This matter should consider the diversity of each nation. |
| 5.2 To achieve its purpose, a VTS should provide information or issue advice, warnings and instructions as deemed necessary |  | ICG16 (6 Aug)  Agreed to new 5.2 to reference the provision of ‘information or issue advice, warnings and instructions’ as per LAP comments above.*[* |
|  | **BIMCO**   * 1. - information, advice, warnings, instructions – 4 different things mentioned here without any definition clarifying each. The reader may be confused and may need further guidance.   2. “as deemed necessary” – is a too broad. Deemed necessary by whom? | ICG19 (26 Aug)  These comments were noted as no longer relevant. In particular:  Point a. - These are currently addressed by IMO in SMCP and also captured in IALA documents issued or under development. We should avoid describing the “how”.  Point b. - As the sentence opens with “a VTS should” it is referring to it being deemed necessary by the VTS. |
| **6 RESPONSIBILITIES OF Participating ships** |  | ICG16 (6 Aug)  Noting LAP’s comments in the deleted section 4.4 above and adoption of the definition of participating vessel) it the text below was agreed to for the new section 6 regarding participating ships:  *“6. RESPONSIBILITIES OF PARTICIPATING SHIPS*  *6.1 In a VTS area, participating ships should:*  *.1 provide reports or information required by the VTS;*  *.2 take into account the information provided, or advice and warnings issued, by the VTS; and*  *.3 comply with the requirements and instructions given to the ship by the VTS unless contradictory safety reasons exist.*  *6.2 Ships [and vessels] not designated as participating ships may participate in a VTS subject to complying with the requirements of the VTS and any guidance issued by the VTS provider.*  *6.3 Masters may be required to report on their actions should they decide to disregard any instruction given by a VTS.”*  Further review with LAP (seminar 26/27 Jun)  The proposed section replaces the old text in section 4.4 (see above) and revises the wording.  This new section, together with the addition of a new definition for “**Participating ships**” addresses a number of LAP comments set out against previous paragraphs. |
|  | **BIMCO** - This paragraph is aimed at Contracting Governments, VTS authorities and VTS providers. Nothing for the ships? Perhaps add a word “participating” after operating a VTS. | ICG19 (26 Aug)  Comment was no longer considered relevant due to other amendments made at recent ICG meetings.  It was noted that the text in this paragraph is aimed at Contracting Governments as per SOLAS:  *Contracting Governments undertake to arrange for the establishment of VTS where, in their opinion, the volume of traffic or the degree of risk justifies such services.* |
| 6.1 In a VTS area, participating ships should: |  |  |
| .1 provide reports or information required by the VTS; | **China MSA** (from ICG18)  Section 6” is that the wording in “6.1.1 comply with the requirements and instructions ” should comply with the wording in “6.3 disregard any instruction given by a VTS.”. one choice is to delete “requirements” in 6.1.1, the other is add it in 6.3. personally , I prefer to delete it ,because other description are all related to massage marker. | ICG19 (26 Aug)  Comment was no longer considered relevant due to other amendments made at recent ICG meetings. |
| .2 take into account the information provided, or advice and warnings issued, by the VTS; and |  |  |
| .3 comply with the requirements and instructions given to the ship by the VTS unless contradictory safety reasons exist. | **BIMCO**   * + 1. “safety reasons exist.”. Please do not limit to only safety reasons. There could be other reasons too. The words “safety” contradicts with 7.1 – Master’s responsibility in these guidelines.   Refer to SOLAS V- 34, 34-1. Take words from Reg 10.7 “unless compelling reasons exist for not doing so”. Therefore, suggest revising the sentence to –  “comply with the requirements and instructions given to the ship by the VTS unless compelling reasons exist for not doing so”. | ICG19 (26 Aug)  Comment was no longer considered relevant due to other amendments made at recent ICG meetings. |
| 6.2 Ships [and vessels] not designated as participating ships may ~~participate~~ take part in a VTS subject to complying with the requirements of the VTS and any guidance issued by the VTS provider. | **BIMCO** – Either change the text in 2.6 or change the wordings in 6.2 as follows  “Ships not designated as participating ships may participate in a VTS. Such ships must inform the VTS provider of its intention to do so, following that, the ship should comply with the requirements of the VTS and any guidance issued by the VTS provider.”  Or  “Ships that are not required to participate in a VTS mandatorily, may participate voluntarily. Such ships must inform the VTS provider of its intention to do so. Once done, it should comply with the requirements of the VTS and any guidance issued by the VTS provider.” | ICG19 (26 Aug)  Members noted that individual authorities may wish to encourage ships not subject to mandatory reporting to participate for a particular reason or incident. This is a national/ local decision.  It was agreed to amend this paragraph to:  *“Ships [and vessels] not designated as participating ships may* ***take part*** *in a VTS subject to complying with the requirements of the VTS and any guidance issued by the VTS provider”* |
| 6.3 Masters may be required to report on their actions should they decide to disregard any instruction given by a VTS. | **BIMCO** – 6.3   1. Change the words “may be” to “should”. this is what is communicated in 7.4. By not informing a decision to disregard any instruction, the ship that is not complying is posing a risk to the others in the VTS. Therefore, VTS provider and other ships have the right to know about this decision. 2. The word “report” may be replaced with “communicate” or “inform” or “advise”. | ICG19 (26 Aug)  Noted – draft text to stand. General comments included:  Point a. - “May be” is appropriate and it is for the VTS to decide dependent on the circumstances. “Should” implies a mandatory action which may not be necessary. E.g. subsequent events may indicate that the master’s actions were entirely acceptable with the benefit of hindsight.  Point b. - Report would seem to be a more appropriate action than the alternatives offered. |
| **NL:** can agree with proposed alternative text (from ICG14) although it seems not complete. It is now so general that the obligation of contracting Governments towards vessels flying their flag - as reflected in V12.4 - has been decreased or completely disappeared. Where is that coming back in the Resolution? | ICG19 (26 Aug)  General discussion highlighted that text from the current resolution (Section 2.2.5) regarding the obligations of Contracting Governments to ensure that ships flying their flag comply with the requirements of vessel traffic services should be incorporated into a new Section 3.5 as above. That is:  *“Contracting Governments should ensure that ships flying their flag comply with the requirements of vessel traffic services. Those Contracting Governments which have received information of an alleged violation of a VTS by a ship flying their flag should provide the Government which has reported the offence with details of any appropriate action taken.”* |
| **7 GENERAL PRINCIPLES** |  | Renumbered as section 7  Further review with LAP (seminar 26/27 Jun)  Follows insertion of new section 6. |
| 7.1 Nothing in these Guidelines change the Master’s ultimate responsibility for all aspects of the operation of the vessel including the responsibility for safe navigation. | **LAP Liaison Note to VTS47**  Suggested alternative text   * *“Final decisions concerning the navigation and the manoeuvring of the ship remain with the master. Nothing in these Guidelines changes the master’s responsibility for all aspects of the operation of the ship.”* | ICG16 (6 Aug)  Agreed proposed text following LAP’s comments below.  Further review with LAP (seminar 26/27 Jun)  Amended alternative satisfies LAP suggestion below*:*  ***“Nothing in these Guidelines change the Master’s ultimate responsibility for all aspects of the operation of the vessel including the responsibility for safe navigation.”***  Comments ICG15 (24 June)  The chair of LAP provided background to their comments stated that the wording need to be stronger. While a VTS may issue an instruction, the final decision always remains with master.  General discussion on the previous suggestion / comment received from IMPA. Suggested alternative text  *“Nothing in this Resolution changes the Master’s ultimate responsibility for all aspects of the operation of the vessel; this includes responsibility for safe navigation except in specific situations where legal provision is made for the full responsibility for navigation and manoeuvring to be delegated to a pilot.”*  The chair of LAP cautioned the group about introducing the pilot into this paragraph, as the delegation may create further issues when the pilot/master, master/pilot exchange occurs.  Comments ICG14 (14 June)  General discussion to whether “*Final*” should be there or not. Participants concluded that decisions are not always final.  It was concluded that the ICG should give further consideration to this after the seminar. |
|  |
| **Japan Coast Guard** –  IALA adopted the definition of “Information, Warning, Advice and Instruction” from SMCP. However, actual VTSs have mandatory order beyond SMCP “Instruction” due to national bylaws.  VTSs in Japan is given power to instruct vessels that waiting outside route in low visibility, changing time to enter route and waiting outside route on rapid tide for slow speed vessels, etc.  These powers are described by National Acts and use of Message Marker: “Instruction” is regulation or restriction for vessels, which never includes course to be steered or engine manoeuvres.  This matter as mandatory VTS and its message markers beyond SMCP definition should be discussed in near VTS Committees for IALA new Guidelines. | ICG18 (22 Aug)  **Noted** - See outcome from ICG16 (6 Aug) above. |
| **IFSMA** – If the role of the Master is to be removed from Para 6, then it must be included in Para 4.4, Participating Ships. | ICG18 (22 Aug)  **Noted** - See outcome from ICG16 (6 Aug) above. |
|  | **SASEMAR** (Spain) - If the decision remains with the Master then this could make interaction between the VTS and ship difficult in terms of providing advice or instruction. | ICG18 (22 Aug)  **Noted** - See outcome from ICG16 (6 Aug) above. |
|  | **IALA LAP Chair** – In Germany it is an obligation to follow a VTS instruction. The final decision sits with the master but they would have to have a good reason to not comply and it would be difficult to argue legally should an incident occur. | ICG18 (22 Aug)  **Noted** - See outcome from ICG16 (6 Aug) above.  Similar laws in in many other countries (e.g. Australia)  This was previously covered in paragraph 4.4 and has been included in the new 6.3 |
| 7.2 VTS communications should be timely, clear, concise and, unambiguous. | China MSA - As a general principle, cross-referencing should be avoided, noting para 1.4, unless essential to the understanding of the text as references are, themselves, subject to change. Also, in the particular instand IMOce of SMCP, there has been general criticism within the VTS Committee of the VTS phrases contained in this document with the only positive entries relating to Message Markers; to this end, IALA has seen fit to develop a Guideline on VTS Voice Communications (Task 1.3.1) which should become a more relevant and, once approved, will be covered in the more general reference to IALA documentation in Section 8 of the revised draft resolution.  Suggested alternative text:   * *“VTS communications should be timely, clear, concise, and not open to misinterpretation.”* | ICG16 (6 Aug)  Agreed proposed text following LAP’s comments below. |
|  | **LAP Liaison Note to VTS47**  Suggested alternative text   * *“VTS communications should be timely, clear, concise, ~~not open to misinterpretation~~ unambiguous and made in accordance with the standards adopted by the Organization5. “* | ICG16 (6 Aug)  See above  Further review with LAP (seminar 26/27 Jun)  LAP content with revised text that incorporates suggestion above to read:  ***“VTS communications should be timely, clear, concise, and unambiguous”***  Comments ICG15 (24 June)  The group proposed alternate text which combines both suggestions:  *“VTS communications should be timely, clear, concise, and unambiguous”*  It was noted at VTS46, the IMO delegate was keen to make linkages with other relevant IMO instruments, which was the rationale to why the text *“with the standards adopted by the Organization”* was included. |
| ~~7.3 VTS communications should take into account bridge resource management principles~~. |  | ICG16 (6 Aug)  Agreed to delete this sub-para following LAP’s comments below.  Further review with LAP (seminar 26/27 Jun)  LAP concur removal of this sub-paragraph. Inclusion of reference to pilots now in definition of allied services and BRM not appropriate. |
|  | Comments ICG15 (24 June)  For the similar reasoning to that of paragraph 6.1, the chair of LAP cautioned the group about introducing the pilot into this paragraph, as the delegation may create further issues when the pilot/master, master/pilot exchange occurs.  Suggested alternative text   * *“When both VTS and pilotage services are provided, pilots participate as users and providers of information. VTS communications should take into account the operational standards for maritime pilots adopted by the Organization and bridge resource management principles.”*   Comment – Noting 1.4 – should aim for consistency in referring to IMO Instruments and associated documents. It was concluded that the ICG should give further consideration to this after the seminar |
| **China MSA** – The VTS operator should have the same situational awareness but will not have the capability to take into account bridge resource management. The word ‘should’ could be removed in order to relieve the burden on the VTS operator or suggest combining 6.2 and 6.3. | ICG18 (22 Aug)  **Noted** – No longer relevant as it was agreed to delete this sub-paragraph at ICG16 (see above). |
|  | **IHMA** - Does reference to VTS communications taking account of BRM add anything to this document? Suggest it be deleted. | ICG18 (22 Aug)  **Noted** – No longer relevant as it was agreed to delete this sub-paragraph at ICG16 (see above) |
|  | **Italian Coastguard** - is this a procedure or general principle and is it necessary to have it here? | ICG18 (22 Aug)  **Noted** – No longer relevant as it was agreed to delete this sub-paragraph at ICG16 (see above) |
|  | **Japan Coast Guard** – JCG supports basically each perspectives. | ICG18 (22 Aug)  **Noted** – No longer relevant as it was agreed to delete this sub-paragraph at ICG16 (see above) |
| 7.3 VTS operates within a comprehensive environment in which ships, ports, allied services and other organizations fulfil their respective roles, as appropriate. |  |  |
| 7.4 Effective harmonized data exchange and information sharing ~~between participants~~ is fundamental to ~~the~~ overall operational efficiency and safety. | **DMA** - Fully agree these new Guidelines need be to constructed in a way as to avoid constant amendments for the next foreseeable period in time, i.e. 'high level and using general terms' .    However, as one main purpose for these revised Guidelines is to ensure 'harmonization', avoiding room for interpretation and hence risk of deployed 'unique' instances of VTS services, I advocate that this need to emphasized in this section - and this sentence, on the notion for '(effective) data exchange';  DMA trusts that we can all relay to this to mean 'automatic data exchange', i.e. through 'M2M' as a main facilitator, in context with the current IMO/IHO/IALA standardization initiatives on harmonizing maritime services, be it IMO' SIP for eNAV services and related MS, IMO data reference model in support of the FAL convention, IHO S-100 as the main references. | ICG19 (26 Aug)  It was generally agreed that the current text addresses the concerns by keeping it at a high level, in particular:   * In the body of the resolution:   + 4.        ENCOURAGES Governments that operate vessel traffic services to consider technical and other developments recognized by the Organization relating to vessel traffic services;   + AUTHORIZES the Maritime Safety Committee to keep the annexed Guidelines under review and amend them, as appropriate; and in the Annex * 1.4      In complying with these Guidelines Governments should take account of applicable IMO instruments and refer to the relevant international guidance prepared and published by appropriate international organizations.   Noting the above comments, minor amendments to the text were agreed to:  *“**Effective harmonized data exchange and information sharing between participants is fundamental to the overall operational efficiency and safety.”* |
| **8 QUALIFICATIONS AND TRAINING** |  | Renumbered as section 8 |
| A major factor in the operation of a VTS is the competence of its VTS personnel. It is recommended that Governments use the ~~[~~IALA~~]~~ standards for training and certification of VTS personnel ~~[acceptable to the Organization]~~. | **Italian Coastguard** – potential confusion between IALA standards and IMO standards. | ICG18 (22 Aug)  It was agreed to remove the square brackets from IALA and delete [acceptable to the Organization]. :  ICG16 (6 Aug)  Agreed proposed text below following LAP’s comments, with minor amendment.  This was a suggestion from Osamu at VTS46.  Under the existing Resolution the IMO is responsible for the international standards for VTS qualifications and training and suggest this should not be lost.  Suggested alternative would be to c*ombine 7.1 and 7.2 -*  *A major factor in the operation of a VTS is the ~~standard of~~ competence of its VTS personnel. It is recommended that Governments use the standards for training and certification of VTS personnel acceptable to the Organization.* |
|  | **IHMA** – change this to reflect IALA standards on training exist. | ICG18 (22 Aug)  **Noted** - See above |
|  | **China MSA** – change the second sentence to reference IALA standards alone and not IMO. | ICG18 (22 Aug)  **Noted** - See above |
|  | **Japan Coast Guard** – JCG supports opinion of IHMA | ICG18 (22 Aug)  **Noted** - See above |
| ~~7.2 It is recommended that Governments use the standards for training and certification of VTS personnel acceptable to the Organization6~~. | **LAP Liaison Note to VTS47**  The footnote of section 7.2 refers to ‘the standards published by IALA’. Whilst the relevant IALA Standard is S1050 on Training and Certification, the second part of the footnote refers to Recommendation R0103 on the standards for the training and certification of VTS personnel.  This text may benefit from review to avoid any confusion between S1050 and R0103. | ICG16 (6 Aug)  Agreed to delete sub-para noting new 8.1 above and LAP’s comments, with minor amendment.  Suggested alternative text is:  **7.2 Governments should use the IALA standards for training and certification of VTS personnel.**  This leads straight into 8 below.  Comments ICG14 (14 June)  General discussion highlighted that consideration be given to:   * Adding the text “*IALA*” in prior to word standards.   This would make the paragraph clearer and provide a link to section 8.   * Removing “*acceptable to be organisation*”   Further, the use of footnotes should be discouraged. |
| **TST Corporation (Japan)** - In some cases, a Classification Society conducts qualification procedure for VTS personnel on behalf of a government. Even now ClassNK uses the V-103 series and relevant documents for training and certification of VTS personnel (local port/harbour) acceptable to IALA.  Reference - IALA G1014 Accreditation and Approval Process for VTS Training. | ICG18 (22 Aug)  **Noted -** Up to individual governments |
| **9 IALA STANDARDS** | **BIMCO** - IMO should be consulted when mentioning IALA and its standard in the document. | ICG19 (26 Aug)  **Noted** - for inclusion in the covering note that will accompany the submission to NCSR. |
| To achieve worldwide harmonization of VTS, IALA publishes standards and associated recommendations, guidelines and model courses specifically related to the establishment and operation of VTS. These are suitable for direct use and citation by parties involved in VTS | **MS** - IALA develops and publishes  I think that it is rather thin to only publish standards and rec, GLs etc What IALA really does is to develop these documents and then publish them. In case anyone who would like to join IALA and participate in developing this is good, but nobody could actively join to publish them…. (Hope you see my point here). | ICG18 (22 Aug)  It was agreed to merge 9.1 and 9.2 with minor amendment (i.e. removal of ‘coastal states” to:  “~~9.1~~ To achieve worldwide harmonization of VTS, IALA publishes standards and associated recommendations, guidelines and model courses specifically related to the establishment and operation of VTS. These are suitable for direct use and citation by parties involved in VTS” |
| ~~9.2 IALA standards7 provide the framework for coastal States to harmonize VTS worldwide and these are suitable for direct use and citation by parties with an interest in VTS.~~ | **China MSA** – suggest delete ‘coastal’. The inclusion of this word may prevent states with only inland waterways from using the resolution. The footnote should be brought into the main text in 8.1. | ICG18 (22 Aug)  Noted – addressed by the suggested amendment above merging 9.1 and 9.2. |
|  | **NL** – Suggest, for consistency reasons, instead of States: …for Governments, Competent Authorities and Service Providers … | ICG18 (22 Aug)  Noted – addressed by the suggested amendment above merging 9.1 and 9.2. |
|  | **Japan Coast Guard** – JCG supports the draft. SOLAS Conventions describe VTS and the words of “coastal nation” is used in ChapterⅤR12. | ICG18 (22 Aug)  Noted – addressed by the suggested amendment above merging 9.1 and 9.2. |

**General Comments from the Seminar – at ICG18 it was agreed as there was no suggested alternative text these comments were noted.**

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| **Source** | **Comments** |
| The Nautical Institute | Will the new resolution be resilient enough to deal with an increase of Coastal VTS and the subsequent potential communication difficulties with non-piloted vessels? |
| NL: it is the responsibility of the CA or Service Provider that they will fulfil the requirements of art. 4.3.3 |
| IFSMA | The draft is very beneficial owing to its current recognition of the ships masters role and responsibilities, this should remain in future development of the draft. |
| IALA LAP Chair | Presented the LAP findings and described the draft as mature. |
| IMPA | IMPA supports IALA’s approach to this revision with less prescription and therefore more in line with modern thinking. IMPA believes this makes the revision more suitable for a rapidly changing world. It references IALA VTS standards, its concise and critically, avoids previous ambiguity. |
| SASEMAR (Spain) | It is positive that the draft resolution is very concise as opposed to its predecessor.    Overall the objectives of the draft Resolution are very clear, however, caution must be taken to ensure that the words used do not confuse non-native English speakers.  There is a general lack of references to key stakeholders such as pilots within the draft Resolution.  Has the case of autonomous vessels been contemplated? |
| NL: as Pieter Paap already indicated during the Seminar, the subject of MASS and the relationship MASS/VTS will have the full attention of IALA. NL offered to prepare a framework for a future Recommendation/Guidelines “VTS and MASS” |
| Malaysia | Should the new resolution specify the types of equipment a VTS should have? From the mariners perspective they should know what the VTS has at their disposal. |
| NL: Good question. A number of technical solutions are still underway or under development, with the aim to ensure future seamless communication/interaction between shore and ship. Will have an impact on both (existing and new) shore based and shipborne equipment. It is expected that under the flag of e-Navigation new technologies gradually will be inserted to complement or replace the existing capabilities. |
| France | Remove footnotes in the draft Resolution. |

**Seminar comments regarding MSC99/20/3 - at ICG18 it was agreed as there was no suggested alternative text these comments were noted.**

| **MSC99/20/3 - Key areas as identified by the co-sponsors that contribute to the broad interpretation and debate regarding VTS and which require clarification or update:** | **Comments** |
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| .1 **Role of Competent Authority / VTS Authority** – The current resolution is overly prescriptive on the responsibilities of the Competent Authority and VTS Authority. It does not recognize that circumstances may differ due to international/national law, geographical characteristics, traffic density/diversity, accessibility and environmental conditions. | TST (Japan) – we would like to confirm that the term "Competent authority" should include a local government or local public entity which is responsible for a local port/harbour? |
| .2 **Changing traditional boundaries** – Coastal States are increasingly providing VTS beyond territorial seas (e.g. in the approach to ports) as a means to ensure the safety, security and efficiency of navigation and the protection of the marine environment in a domain with increasingly diverse utilization of space.  Whilst SOLAS regulation V/12 (Safety of navigation) states clearly that VTS may only be made mandatory within territorial waters, the resolution is silent on the many ways that a VTS might contribute to the safety of vessel traffic and the protection of the environment beyond territorial waters or in international straits, without being mandatory. | MITAG (USA) – Taken from US regulations -“Note: Although regulatory jurisdiction is limited to the navigable waters of the United States, certain vessels will be encouraged or may be required, as a condition of port entry, to report beyond this area to facilitate traffic management within the VTS area’ |
| NL: We are more or less in the same position. The now proposed text of article 3.4 is very clear in this but indicates directly the potential solutions under SOLAS. |
| .3 **VTS and future developments** – The current resolution does not provide a framework to accommodate new trends, such as the development, adoption and implementation of Maritime Service Portfolios, e-navigation and other evolving instruments aimed at the facilitation of safe, secure and efficient maritime traffic and trade. | NL: The now proposed (high level) draft resolution can accommodate new trends and is much more future-proof than the current Resolution. |
| .4 **Types of service (INS, TOS and NAS)** – The guidance provided in the existing resolution regarding the services rendered by a VTS is subjective and open to broad interpretation and debate. Of major concern amongst authorities is that these services are not being declared or delivered globally in a consistent manner. This is causing confusion to stakeholders, most significantly to masters of vessels navigating in different VTS areas, and to VTS operators delivering the service from their respective VTS Centres. As a result, there is significant potential for misunderstandings which, in turn, could reduce the intended effectiveness of VTS as an important risk mitigation measure to maritime traffic. | Seminar poll result (54 votes) - Are you satisfied with deleting INS, TOS and NAS?  Yes - 96%  No - 4%  A participant who voted no anonymously explained – ‘I indicated no, because our organization is fully oriented to the division of the three services, this will entail the complete revision of the national rules’ |
| .5 **Result-oriented instructions** – Experience shows that the guidance provided in the existing resolution regarding the provision of result-oriented instructions is causing confusion and is open to differing interpretation. This uncertainty makes it difficult to reach agreement on training guidance. More significantly, there is clear evidence that some VTS operators feel severely restricted in their ability to provide navigational assistance to vessels standing into danger. | MITAGS (USA) - I agree Results originated instructions may be removed from the IMO document; however I feel it should be retained within IALA guidelines concerning advice.  IHMA – agree that this should not be in the draft resolution. The text in the old resolution does not make sense. Air Traffic Control communication is a good example of crisp and clear communication. |
| .6 **VTS qualifications, training and certification** – In the absence of any approved guidance on recruitment, qualifications and training for VTS Operators, detailed training guidance has been set out in annex 2 to the resolution. IALA has subsequently refined, developed and expanded this text to include guidance on qualification and certification at a range of levels. The structure and terminology used within annex 2 to the resolution is now either in conflict with, or constraining the necessary continued development of modern IALA training recommendations, guidelines and model courses. | MITAG (USA) - the new resolution should include a requirement for “continuing education.” The draft Resolution is stagnant.  BIMCO - we mentioned mariners getting confused with different services. How about including VTS training in the STCW training for mariners?  IMO – noting the comments to delete some footnotes referring the IALA standard and directly and explicitly list them in the main text, offered the word of caution that the current text of SOLAS V/12.3 specifies that VTS shall follow the guidelines developed by IMO. This means that, recognizing the excellent initiative and work done by IALA for the development of guidelines, IMO cannot lose the IMO guidelines "developed by IMO". If the revised resolution were to lose the complete annex 2 on qualification and training, some element of guidelines on training should be retained, and for this purpose, it may not be possible to directly refer to the IALA training standard in the main text of the resolution. A footnote, referring to IALA standard would solve this problem. |
| .7 Recognition of **IALA Standards** relating to VTS – While the existing resolution makes reference to the IALA VTS Manual it does not refer to the suite of IALA guidance relating to VTS (recommendations, guidelines and model courses) which are now available. The IALA VTS Manual is only updated every 4 years whereas IALA Recommendations and Guidelines are kept under continuous review. Further, the guidance and terminology contained within the existing resolution is limiting and complicating the development and modernization of IALA guidance in a range of areas. | Tokyo Keiki Inc. (Japan) - If we read 8. IALA STANDARDS, it can be read that IALA standards are only about VTS. The role of IALA Standards in relation to this Resolution should be defined. |
| .8 **Administrative amendments** – The resolution refers to a number of instruments which are now incorrect, obsolete or no longer in place and require updating. The document would also benefit from overall rationalization and restructuring. | Italian Coastguard – The resolution should provide the regulatory bridge between SOLAS and IALA Standards. Should there be more on the risk assessment process to establish a VTS? |