



Review of IMO Resolution A.857(20) on Guidelines for VTS by the Legal Advisory Panel of IALA



VTS outside the territorial waters

- No mandatory use of VTS outside the territorial waters according to SOLAS Chapter V Reg. 12 (3) and UNCLOS
- any voluntary use shall be encouraged
- a high percentage of ships already participate on a voluntary basis





The purpose of a VTS (Art. 5 of draft)

- **Art. 5.2:**
 - From a legal point of view it should be clear to VTS-authorities/providers and participating ships what the VTS will do to fulfil its task/purpose
 - This should include the right to give instructions which has the strongest legal impact on a ship/master
 - LAP suggests to include at least the general measures a VTS will deliver such as information, advice, instruction or similar wording
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The purpose of a VTS (Art. 5 of draft)

- **Art. 5.2:** **“transit of ships”**
 - “Passing across or through an area”
 - wording is too restricted as ships staying within the VTS area are not included, e.g. roadstead
 - LAP suggests consider a rewording, e.g. navigation, movement



The purpose of a VTS (Art. 5 of draft)

- **Art. 5.3:** **“to assist the decision-making process on board”**
 - in case the VTS gives an instruction to a ship, it is **not** assisting the decision-making process on board
 - the authority/provider expects compliance with the instruction
 - Only exception: contradiction with safety on board, already included in 6.1 “final decisions remain with the master on board”
 - LAP suggests a clarification of the introductory sentence of 5.3 or deletion of this part
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Art. 4.4 Participating ships

- **Art. 4.4:**
 - “participating ships” should be addressed in a new separate Article after Article 5
 - Both the role of VTS and participating ships should be as clear as possible
 - By having a new Art. cross-references “bottom-up” will be avoided
 - And the exact same wording from Art. 5.2 should be reflected in the new Art. on participating ships
 - Lap suggests a new Art. 5bis “Participating ships”
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General principles (draft Art. 6)

- **Art. 6.1**
 - Consider strengthening the wording by including “final”
 - Will emphasize the general principle that the last decision will remain with the master
 - Lap suggests to include “final” as in “final decision”



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