

OBSERVATION AND INSPECTION

Operation of the System of Inspection

5.1 The Commission noted that in 2001/02:

- (i) eight inspections were undertaken in Subarea 48.3; all inspections were conducted by CCAMLR inspectors designated by the UK; all vessels inspected were reported as complying with conservation measures in force (Annex 5, paragraph 3.2);
- (ii) Chile and Argentina submitted reports in respect of prosecutions and sanctions imposed on their flag vessels as a consequence of national and international inspections conducted in the past (Annex 5, paragraphs 3.4 and 3.5); and
- (iii) no proposals received from Members on the improvement of the System of Inspection (Annex 5, paragraph 3.6).

Compliance with Conservation Measures

5.2 With respect to compliance with conservation measures in force for 2001/02, the Commission noted that:

- (i) no problems with fisheries management and data submission measures were reported by the Secretariat (Annex 5, paragraph 3.8);
- (ii) a number of late licence notifications were received after the established deadline (Annex 5, paragraph 3.9);
- (iii) Chile conducted port inspections on four of its own-flagged vessels; New Zealand and Uruguay reported that all own-flagged vessels were inspected (Annex 5, paragraph 3.10);
- (iv) Chile, UK and Uruguay reported port inspections of vessels of Contracting Parties flagged to Chile, Japan, Republic of Korea, Poland, Russia, South Africa, Spain, USA and Uruguay; no violations of Conservation Measure 147/XIX were reported (Annex 5, paragraph 3.11);
- (v) 42 vessels harvested in the Convention Area during the 2002 fishing season but for 17 vessels details of licences were not submitted (Annex 5, paragraph 3.12);
- (vi) seven reports of reflagging or intended reflagging had been received (Annex 5, paragraph 3.13);
- (vii) SCOI had considered advice received from the Scientific Committee on matters of compliance with Conservation Measure 29/XIX (Annex 5, paragraph 3.15); and

(viii) SCOI had considered three options put forward by the Scientific Committee for the extension of the fishing season (Annex 5, paragraph 3.20).

5.3 In respect of scientific observer data reports relating to compliance with conservation measures, the Commission noted the comments and advice of SCOI (Annex 5, paragraphs 3.14 to 3.24), which had been based on material presented in the reports of the Scientific Committee and its working groups.

5.4 The Commission reiterated its view that the task of scientific observers is to report on factual information and not to make judgements or interpretations relating to compliance.

5.5 It thanked the Scientific Committee for its work, analysing data and information from scientific observers in relation to conservation measures in force over the last few years. This had enabled the Commission to obtain a valuable factual record on the performance of fisheries in the Convention Area, including on a vessel-specific basis.

5.6 The Commission requested that in future the work of the Scientific Committee and its subsidiary bodies should be confined to analysis of observer data and information, and to summarising these in appropriate detail for consideration by SCOI and the Commission. The task of SCOI is to advise the Commission on implications relevant to compliance with appropriate conservation measures. To this end, the Commission requested SCOI to consider how best to review the data and information in reports from scientific observers, e.g. whether by developing an appropriate subgroup and/or appropriate collaborative arrangements with experts and expertise associated with the Scientific Committee and its subsidiary bodies.

5.7 The Commission noted and endorsed the advice of the Scientific Committee (SC-CAMLR-XXI, paragraphs 11.7 to 11.9) and SCOI (Annex 5, paragraph 3.17) in relation to the principle of potential extension of the longline fishing season in Subarea 48.3, in particular that any relaxation of the current closed season should proceed in a step-by-step fashion and the results be carefully monitored and reported.

5.8 In relation to the specific proposals of the Scientific Committee for potential extension to the longline fishing season in Subarea 48.3 (SC-CAMLR-XXI, paragraph 11.9), the Commission endorsed the advice of SCOI (Annex 5, paragraph 3.21) that such an extension would only be implemented once there was full compliance with Conservation Measure 29/XIX by the fishing fleet overall and that, in this event, it was preferable to extend the season at its end rather than at the start.

5.9 The Commission noted the advice of the Scientific Committee (SC-CAMLR-XXI, paragraph 11.9(iii)) and SCOI (Annex 5, paragraph 3.22) that vessels in full compliance with Conservation Measure 29/XIX in Subarea 48.3 in 2001/02 should be allowed to fish during the last two weeks in April to enable a preliminary assessment of seabird by-catch during this period, subject to the strict conditions set out in SC-CAMLR-XXI, paragraph 11.9(iii).

5.10 It was noted that the report of SCOI (Annex 5, paragraph 3.22) indicated that only one vessel was judged to have complied fully with Conservation Measure 29/XIX in the longline fishery in Subarea 48.3 in 2002.

5.11 In relation to this compliance with Conservation Measure 29/XIX in 2001/02, the Commission endorsed the conclusion of SCOI (Annex 5, paragraph 3.22) that, according to

the factual data from scientific observers, as reported in SC-CAMLR-XXI, Annex 5, Tables 6.1, 6.6 and 6.7 and summarised in SC-CAMLR-XXI, Annex 5, Table 6.5, overall compliance was satisfactory. It agreed that trials to assess the feasibility of a step-by-step extension of the fishing season could commence during the last two weeks of April 2003 using one vessel.

5.12 The Commission also recollected last year's discussion concerning the attainment of full compliance and the unresolved issue of the potential for any discretion in this regard (CCAMLR-XX, paragraphs 6.20 to 6.23).

5.13 The Commission re-emphasised the need to maintain clear and strict distinction between the role of CCAMLR-designated inspectors and that of CCAMLR-designated scientific observers. The role of the latter must not be compromised in any way as a result of requirements to report data which may subsequently be used to assess compliance.

Implementation of the Scheme of International Scientific Observation

5.14 The Commission noted that:

- (i) a total of 24 longline and 10 trawl finfish cruises were conducted within the Convention Area during the 2001/02 season with national and international scientific observers on board all vessels (Annex 5, paragraph 4.2);
- (ii) reports received from scientific observers with factual detail on sightings of fishing vessels were discussed by SCOI together with other information on IUU fishing activities in the Convention Area (Annex 5, paragraph 4.3); and
- (iii) the Scientific Committee recommended no changes to administrative and operational aspects of the scheme (Annex 5, paragraph 4.5).

Review of SCOI Working Arrangements

5.15 The Commission noted that:

- (i) the European Community consulted intersessionally with Members in order to prepare and finalise a proposal on the revision of SCOI working arrangements;
- (ii) a number of comments were received and incorporated in the draft proposal;
- (iii) several editorial changes were proposed and incorporated in the draft at the meeting of SCOI; and
- (iv) the revised draft was submitted to the Commission for adoption.

5.16 The Commission adopted the revised terms of reference and organisation of work of the proposed Standing Committee on Implementation and Compliance (SCIC).