

DRAFT CONSERVATION MEASURE 10-06
Scheme to Promote Compliance by Contracting Party Vessels
with CCAMLR Conservation Measures

(A proposal by Russia)

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The following revision of Conservation Measure 10-06 was proposed by Russia (CCAMLR-XXII, paragraphs 8.44 and 8.45).

DRAFT CONSERVATION MEASURE 10-06
Scheme to Promote Compliance by Contracting Party Vessels
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Species	all
Area	all
Season	all
Gear	all

The Commission,

Convinced that illegal, unregulated and unreported (IUU) fishing compromises the primary objectives of the Convention,

Aware that a significant number of vessels registered to Parties and non-Parties are engaged in fishing operations in the Convention Area in a manner which diminishes the effectiveness of CCAMLR conservation measures,

Recalling that Parties are required to cooperate in taking appropriate action to deter any fishing activities which are not consistent with the objective of the Convention,

Resolved to reinforce its integrated administrative and political measures aimed at eliminating IUU fishing in the Convention Area,

Committed to adhere to the principle that no one is guilty unless proven otherwise,

hereby adopts the following conservation measure in accordance with Article IX.2(i) of the Convention:

1. At each annual meeting, the Commission, **based on SCIC recommendations**, will identify those Contracting Parties whose vessels have engaged in fishing activities in the Convention Area in a manner which has diminished the effectiveness of CCAMLR conservation measures in force, and shall establish a list of such vessels (IUU Vessel List), in accordance with the procedures and criteria set out hereafter.
2. This identification shall be documented, *inter alia*, on reports relating to the application of Conservation Measure 10-03, trade information obtained on the basis of the implementation of Conservation Measure 10-05 and relevant trade statistics such as FAO and other national or international verifiable statistics, as well as any other information obtained from Port States and/or gathered from the fishing grounds which

is suitably documented. **Such information should be submitted to the Secretariat at least three (3) months prior to the CCAMLR meeting to enable the Flag State to present adequate response.**

3. For the purposes of this conservation measure, the Contracting Parties are considered as having carried out fishing activities that have diminished the effectiveness of the conservation measures adopted by the Commission if:
 - (a) the Parties do not ensure compliance by their vessels with the conservation measures adopted by the Commission and in force, in respect of the fisheries in which they participate that are placed under the competence of CCAMLR;
 - (b) their vessels are repeatedly included in the CCAMLR List of Contracting Party vessels identified as carrying out IUU fishing activities in accordance with the criteria and procedures established in this conservation measure.
4. In order to establish the IUU Vessel List, evidence, gathered in accordance with paragraph 2, shall be required that fishing vessels flying the flag of the Contracting Party concerned have:
 - (a) engaged in fishing activities in the CCAMLR Convention Area without a licence issued in accordance with Conservation Measure 10-02, or in violation of the conditions under which such licence would have been issued in relation to authorised areas, species and time periods; or
 - (b) did not record or did not declare their catches made in the CCAMLR Convention Area in accordance with the reporting system applicable to the fisheries they engaged in, or made false declarations; or
 - (c) fished during closed fishing periods or in closed areas in contravention of CCAMLR conservation measures; or
 - (d) used prohibited gear in contravention of applicable CCAMLR conservation measures; or
 - (e) transhipped or participated in joint fishing operations with other vessels identified by CCAMLR as carrying out IUU fishing activities (i.e. on the IUU Vessel List or in Conservation Measure 10-07); or
 - (f) engaged in fishing activities in a manner that undermines the attainment of the objectives of the Convention in waters adjacent to islands within the area to which the Convention applies over which the existence of State sovereignty is recognised by all Contracting Parties, in the terms of the statement made by the Chairman on 19 May 1980; or
 - (g) engaged in fishing activities contrary to any other CCAMLR conservation measures in a manner that undermines the attainment of the objectives of the Convention according to Article XXII of the Convention.

- ~~5. The Executive Secretary shall, before 30 April of each year, draw up a draft list of Contracting Party vessels that, on the basis of the information gathered in accordance with paragraph 2, the criteria defined in paragraph 4, and any other information that the Secretariat might have obtained in relation thereto, might be presumed to have carried out IUU fishing activities in the CCAMLR Convention area during the previous season. The List shall be distributed immediately to the Contracting Parties concerned.~~
- ~~6. Contracting Parties whose vessels are included in the draft list established by the Secretariat will transmit before 30 June to CCAMLR, their comments, as appropriate, including verifiable VMS data and other supporting information showing that the vessels listed have neither engaged in fishing activities in contravention of CCAMLR conservation and management measures nor had the possibility of being engaged in fishing activities in the Convention Area.~~
- ~~7. On the basis of the information received pursuant to paragraph 6, the Executive Secretary shall distribute the draft list and all comments received as a Provisional IUU Vessel List, which shall be transmitted before 31 July to all Contracting Parties together with all the comments and supporting information provided.~~
- ~~8. Contracting Parties may at any time submit to the Executive Secretary any additional information, which might be relevant for the establishment of the IUU Vessel List. The Executive Secretary shall circulate the information at the latest 30 days before the annual meeting to all Contracting Parties together with all the evidence provided.~~
- ~~9. The Standing Committee on Inspection and Compliance (SCIC) shall examine, each year, the Provisional IUU Vessel List as well as the comments and information received, and any further information provided during its annual deliberations which may be considered relevant to this review.~~
10. SCIC shall recommend that the Commission should **remove** **include** vessels ~~from~~ in the Provisional IUU Vessel List if ~~it the Contracting Party~~ proves that:
 - ~~(a) the vessel did not take part in IUU fishing activities described in paragraph 1.; or~~
 - ~~(b) it has taken effective action in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity; or~~
 - ~~(c) the vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it and that the new owner has not participated in IUU fishing; or~~
 - ~~(d) the Contracting Party has taken measures considered sufficient to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing.~~
11. ~~Following the examination referred to in paragraph 9,~~ SCIC shall submit to the Commission for approval, a proposed IUU Vessel List.
12. On approval of the IUU Vessel List, the Commission shall request Contracting Parties whose vessels appear thereon to take all necessary measures to address these IUU fishing activities, including if necessary, the withdrawal of the registration or of the

fishing licences of these vessels, the nullification of the relevant catch documents and denial of further access to the CDS, and to inform the Commission of the measures taken in this respect.

- ~~13. The Executive Secretary, SCIC and the Commission shall undertake the procedures established in paragraphs 5 to 12 each year in respect of adding or removing vessels from the IUU Vessel List.~~
14. Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable legislation, in order that:
 - (a) the issuance of a licence to vessels appearing in the IUU Vessel List to fish in the Convention Area is prohibited;
 - (b) the issuance of a licence to vessels included in the IUU Vessel List to fish in waters under their fisheries jurisdiction is prohibited;
 - (c) fishing vessels, support vessels, mother-ships and cargo vessels flying their flag do not participate in any transshipment or joint fishing operations with vessels registered on the IUU Vessel List;
 - (d) vessels appearing in the IUU Vessel List that enter ports voluntarily are not authorised to land or tranship therein and are inspected in accordance with Conservation Measure 10-03 on so entering;
 - (e) the chartering of vessels included in the IUU Vessel List is prohibited;
 - (f) granting of their flag to vessels appearing in the IUU Vessel List is refused;
 - (g) imports of *Dissostichus* spp. from vessels included in the IUU Vessel List are prohibited;
 - (h) 'Export or Re-export Government Authority Validation' is not certified when the shipment (of *Dissostichus* spp.) is declared to have been caught by any vessel included in the IUU Vessel List;
 - (i) importers, transporters and other sectors concerned, are encouraged to refrain from negotiating and from transshipping of fish caught by vessels appearing in the IUU Vessel List;
 - (j) any appropriate information which is suitably documented is collected and exchanged with other Contracting Parties or cooperating non-Contracting Parties, entities or fishing entities with the aim of detecting, controlling and preventing the use of false import/export certificates regarding fish from vessels appearing in the IUU Vessel List.
15. The Executive Secretary shall place the IUU Vessel List approved by the Commission on a secure section of the CCAMLR website.

16. Without prejudice to the rights of Flag States and Coastal States to take proper action consistent with international law, Contracting Parties should not take any trade measures or other sanctions which are inconsistent with their international obligations. ~~against vessels using as the basis for the action the fact that the vessel or vessels have been included in the draft list drawn up by the Secretariat, pursuant to paragraph 5.~~
- ~~17. The Chair of the Commission shall request the Contracting Parties identified pursuant to paragraph 1 to take all necessary measures to avoid diminishing the effectiveness of the CCAMLR conservation measures resulting from their vessels' activities, and to advise the Commission of actions taken in that regard.~~
18. The Commission shall review, at subsequent annual meetings, as appropriate, action taken by those Contracting Parties to which requests have been made ~~pursuant to paragraph 17~~, and identify those which have not rectified their fishing activities.
19. The Commission shall decide appropriate measures to be taken in respect to *Dissostichus* spp. so as to address these issues with those identified Contracting Parties. In this respect, Contracting Parties may cooperate to adopt appropriate multilaterally agreed trade-related measures, consistent with the World Trade Organization (WTO), that may be necessary to prevent, deter and eliminate the IUU fishing activities identified by the Commission. Multilateral trade-related measures may be used to support cooperative efforts to ensure that trade in *Dissostichus* spp. and its products does not in any way encourage IUU fishing or otherwise undermine the effectiveness of CCAMLR's conservation measures which are consistent with the United Nations Convention on the Law of the Sea 1982.