

IMPLEMENTATION AND COMPLIANCE

Report of SCIC

6.1 The first meeting of SCIC was held from 27 to 31 October 2003 and chaired by Mr Y. Becouarn (France). All Members of the Commission and observers invited by CCAMLR participated in the meeting.

6.2 The SCIC Chair submitted the Committee's report (Annex 5) in three parts as related to items 6, 7 and 8 of the Commission's agenda.

Joint Assessment Group

6.3 Following discussions at CCAMLR-XXI (CCAMLR-XXI, paragraphs 8.10 to 8.14) a meeting of a JAG was held at the CCAMLR Headquarters on 23 and 24 October 2003. The meeting, chaired by the Convener of the group, Mr E. Spencer Garrett (USA), was attended by the Chair of the Scientific Committee, the Chair of SCIC and the conveners of WG-FSA and the ad hoc WG-IMAF. The meeting was also attended by representatives from Australia, Brazil, European Community, Japan, New Zealand, Russia, Spain, Ukraine and the UK.

6.4 The Commission noted that JAG had agreed that it would have an ad hoc status, subject to further consideration by SCIC, the Commission and the Scientific Committee (Annex 5, paragraph 3.4).

6.5 The Commission also noted that ad hoc JAG had reiterated the importance of combining input from both the Scientific Committee and SCIC in assessing total removals of toothfish and recommended that the Commission, at its current meeting, should determine, in close consultation with the Chair of the Scientific Committee and the conveners of WG-FSA and ad hoc WG-IMAF, how best to further progress these matters (Annex 5, paragraph 3.6).

6.6 The Commission noted that ad hoc JAG had developed proposals for terms of reference, associated procedures and work plans for the following two main tasks referred to it by the Commission (CCAMLR-XXI, paragraphs 8.10 to 8.14):

- (i) developing methods for estimating total removals of toothfish;
- (ii) developing a comparative methodology for determining compliance with conservation measures.

6.7 The Commission took into account SCIC's advice on the terms of reference prepared by ad hoc JAG, and agreed that they could be used for planning future work on the abovementioned tasks, subject to a number of specific recommendations made by SCIC (Annex 5, paragraph 3.9).

6.8 The UK proposed that, for reference purposes, the terms of reference developed by SCIC be appended to the Commission report in two parts, each related to one of the abovementioned specific tasks.

6.9 The Commission approved the terms of reference and considered various options for arranging future work on these tasks, including elements of timing and resource requirements. The terms of reference are appended as Annex 6.

6.10 The Commission also noted work plans developed by ad hoc JAG (Annex 5, paragraph 3.5). It was decided that these should be used as guidelines to assist any future subsidiary bodies in their work under the terms of reference identified in paragraph 6.6.

6.11 With respect to future organisation of work related to the terms of reference prepared by ad hoc JAG, the UK considered that although estimating total removals consists of two completely different components, a procedure to deal with them could be similar. It could be done in two stages: (i) developing methodologies for estimating each component and (ii) implementing these methodologies on a recurrent basis.

6.12 Consequently, the Commission decided that:

- (i) the task on compliance assessment will be dealt with by SCIC as it clearly resides within its terms of reference;
- (ii) the time allocated for the meeting of SCIC in 2004 will be up to five working days with potential minimum overlap with the meeting of SCAF, thus allowing small delegations to attend most of both meetings;
- (iii) the work schedule of SCIC could be extended by 30 minutes each day;
- (iv) early in the year, the Secretariat will prepare a draft agenda for SCIC and circulate it to Members for comments with a view to optimising its structure and content;
- (v) a proposed schedule for meetings of the Commission, Scientific Committee, SCIC and SCAF will be circulated intersessionally together with the Preliminary Agendas;
- (vi) an attempt will be made, in consultation with the Chair of the Scientific Committee and conveners of working groups, to arrange intersessional work on developing methodology for estimating total removals, not excluding the consideration of a possible meeting of interested parties in conjunction with WG-EMM;
- (vii) organisation of work on the second task of developing a methodology for estimating total removals of toothfish will be further considered at CCAMLR-XXIII;
- (viii) in the meantime, the Secretariat will continue assessing legal and IUU catches based on the methodology currently accepted by the Commission, the Scientific Committee and WG-FSA;
- (ix) extension of SCIC's work may require the Chair of SCIC to request delegates to nominate rapporteurs for some agenda items. This is the standard practice in the Scientific Committee and its working groups;

- (x) the status and membership of any subsidiary groups working under the terms of reference prepared by ad hoc JAG and established jointly by the Commission and the Scientific Committee, should be clearly specified;
- (xi) the names of any future joint body or bodies should clearly reflect tasks assigned to them.

System of Inspection

6.13 The Commission noted that SCIC had considered the results of inspections carried out by CCAMLR inspectors in the 2002/03 season (Annex 5, paragraphs 3.57 to 3.62; CCAMLR-XXII/BG/16).

6.14 The Commission noted that during the 2002/03 season eight inspection reports had been received from CCAMLR inspectors, all designated by the UK. All inspections took place in Subarea 48.3. No infractions were reported, except for a report of a possible minor infringement of line-weighting regime by the UK-flagged vessel *Argos Helena*. The UK had reported to SCIC that the inspector had acknowledged that difficult at-sea conditions at the time of inspection may have resulted in inaccuracies in measuring longline weights compared with results during an earlier port inspection of the vessel, as well as information from the scientific observer (Annex 5, paragraphs 3.58 and 3.59).

6.15 No proposals for improvement of the System of Inspection were submitted by Members and considered by SCIC.

Operation of the Scheme of International Scientific Observation

6.16 The Commission took note of a summary of all scientific observation programs undertaken in accordance with the scheme (SC-CAMLR-XXII/BG/16). A total of 37 longline cruises and 10 trawl finfish cruises had been conducted within the Convention Area during the 2002/03 season, with national and international scientific observers on board all vessels. A further six observations had been conducted on board trawl vessels fishing for krill in Subarea 48.3.

6.17 The Commission noted the advice from the Scientific Committee on a number of proposals aimed at improving operation of the scheme and utilisation of data collected by scientific observers (SC-CAMLR-XXII, paragraphs 2.8 to 2.10). In particular, it was noted that:

- (i) some aspects of current observer duties should be removed from the *Scientific Observers Manual*;
- (ii) the data being collected by observers should be prioritised so as to maximise their value, in particular for the conduct of assessments of target species and impact on populations of by-catch species;

- (iii) a number of additions and modifications were proposed to the *Scientific Observers Manual*;
- (iv) the need for a major review of the *Scientific Observers Manual* was endorsed by the Scientific Committee.

6.18 With reference to the advice of the Scientific Committee that several scientific observers commented on the issue of safety concerning vessels fishing in high latitudes (SC-CAMLR-XXII, paragraph 2.7), New Zealand introduced a proposal that all vessels issued with licences to participate in CCAMLR areas south of 60°S should be ice strengthened to a minimum standard (CCAMLR-XXII/BG/40). The proposal would involve amendments to Conservation Measure 10-02 'Licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area'.

6.19 There was general support of this proposal. In addition:

- (i) Chile suggested that conservation measures on each of the fisheries in the Convention Area should be cross-referenced with ice-strengthening requirements;
- (ii) Russia noted that a requirement for ice-strengthening standards should be introduced with due respect to international law and, in particular, responsibilities of Flag States;
- (iii) Japan supported Russia, and indicated that CCAMLR could not be considered as an appropriate body for dealing with the matter and that this issue could be more appropriately discussed at other fora, such as the International Maritime Organization (IMO);
- (iv) Ukraine concurred with Russia and Japan and noted that issues of crew safety are the prerogative of other international organisations;
- (v) Spain indicated that, as a licensing requirement, it required its vessels fishing in high latitudes to meet the standards of verification for ice-strengthening requirements as stipulated by the Det Norske Veritas (DNV) Rules for Classification of Ships.

6.20 The Commission considered a proposal on ice-strengthening standards for fishing vessels operating in high latitudes (paragraph 10.71).

Compliance with Conservation Measures

6.21 With respect to developing methodologies on compliance assessment, the Commission noted and endorsed the advice of the Scientific Committee, in particular, on a proposed method for comprehensive compliance assessments (SC-CAMLR-XXII, paragraphs 7.2 to 7.5; CCAMLR-XXII/52).

6.22 The Commission also endorsed the view of the Scientific Committee that the implications of a review of methods of assessing compliance were much more extensive than

simply developing a new approach. Any new system would require a comprehensive evaluation of the contents of all conservation measures, of the instructions to observers and inspectors, of the nature, scope and content of the reporting mechanism and of the details of the data validation, analysis and assessment protocols (SC-CAMLR-XXII, paragraph 7.4).

6.23 The Commission agreed with the Scientific Committee that discussions of the development of assessing procedures for compliance with conservation measures should be based on continued dialogue between SCIC and the Scientific Committee and its working groups (SC-CAMLR-XXII, paragraph 7.5).

6.24 Russia commented that it is not clear how any compliance assessment would work given that most conservation measures could be assessed only as being fully complied with or not complied. Russia also drew to the attention of the Commission that any new functions imposed on scientific observers should not compromise the integrity of scientific observations as established by the CCAMLR Scheme of International Scientific Observation.

6.25 The European Community advised the Commission that it will continue to work intersessionally on further developing a proposal for compliance assessments as presented in CCAMLR-XXII/52. It could be done by correspondence with all Members interested in this work. The revised proposal will be submitted to the next meeting of the Commission.

6.26 The Commission considered advice prepared by SCIC on compliance with conservation measures in force and proposals for their improvement (Annex 5, paragraphs 3.16 to 3.56). Details on implementation of compliance-related measures and fisheries management and data submission measures are given in CCAMLR-XXII/BG/16 and BG/8 Rev. 1 respectively, and were taken into account by the Commission in developing several of the measures set out in section 10.

6.27 The Commission noted, in particular, that the Scientific Committee reported on significant improvement in compliance of vessels with Conservation Measure 25-02, with 14 out of 29 vessels apparently fully compliant with all elements of this measure at all times throughout the Convention Area (SC-CAMLR-XXII, paragraphs 5.11 to 5.13; Annex 5, paragraph 3.23).

6.28 The Commission endorsed the advice of SCIC and urged Members to continue their efforts in order to achieve 100% compliance of all vessels with Conservation Measure 25-02 (Annex 5, paragraph 3.24).

6.29 In this respect, the Commission also noted that SCIC endorsed the advice of the Scientific Committee, and decided that an extension of the fishing season for longline vessels in Subarea 48.3 should occur in September (Annex 5, paragraph 3.25).

6.30 Namibia gave details of its decision to decline a request for permission to land toothfish by the Netherlands Antilles-registered vessel *Virgin of Carmen* (Annex 5, paragraphs 3.18 and 3.19). The vessel was inspected according to Conservation Measure 10-05. The landing was declined because the vessel had no fishing licence, catch document, VMS or scientific observer on board.

6.31 Russia commented on a section of the SCIC report relating to the alleged failure to complete the mandatory research requirement of Conservation Measure 41-01 by one Russian

vessel (Annex 5, paragraph 3.26). Similar information was contained in reports of the Scientific Committee and WG-FSA (SC-CAMLR-XXII, paragraphs 4.162 and 11.2 and Annex 5, paragraph 5.9). Russia proposed to clarify the allegation by comparing C2 data reported by the vessel with data from a logbook of an international scientific observer on board the vessel. Appropriate clarification was provided by the Secretariat during the meeting.

6.32 The Commission noted the advice of SCIC with respect to a proposal for establishing a C-VMS put forward jointly by Australia, New Zealand and the USA (Annex 5, paragraphs 3.27 to 3.53; CCAMLR-XXII/54 and BG/21). Australia highlighted the need for the C-VMS proposal to be adopted by the Commission to better ensure compliance with the conservation measures. Australia urged Contracting Parties to implement a C-VMS in recognition of the need to support Flag States exercising effective controls over their vessels. The draft conservation measure, as appended to the SCIC report, had been developed further taking into account concerns expressed by Members (Annex 5, paragraphs 3.32 to 3.41) and considered by the Commission (paragraphs 10.12 to 10.23).

6.33 The Commission also noted a proposal submitted by New Zealand for a trial of a daily catch and effort reporting system in Subarea 88.1 during the 2003/04 season. It also noted the comments made by Russia on the proposal (Annex 5, paragraph 3.56).

6.34 The proposal was considered by the Commission (paragraphs 10.24 and 10.25).