

IMPLEMENTATION AND COMPLIANCE

Report of SCIC

6.1 The meeting of SCIC was held from 25 to 29 October 2004 and chaired by Ms R. Tuttle (USA). 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) as related to items 6, 7 and 8 of the Commission's agenda and drew the attention of the Commission to a number of recommendations made by SCIC. The deliberations of the Commission on SCIC recommendations in respect of compliance and implementation issues are given below in paragraphs 6.3 to 6.15. The deliberations of the Commission on recommendations in respect of the CDS and IUU fishing in the Convention Area are given in sections 7 and 8 respectively.

6.3 The Commission adopted all recommendations made by SCIC in respect of implementation and compliance with conservation measures.

6.4 The Commission requested Members to submit reports of all port inspections of vessels according to Conservation Measures 10-02, 10-03 and 10-05. The European Community expressed concern that the Secretariat is currently receiving a very limited number of port inspection reports, and underlined the need for Members to immediately submit such reports whenever inspections reveal that the vessels concerned have infringed the conservation measures. The Commission noted that there is no standard format for the submission of port inspection reports. The Commission clarified, however, that if a vessel was found to be in full compliance with conservation measures, the port inspection report need do no more than simply state the details of the vessel inspected, the port and the date of inspection. More information would be required in reports relating to infringements.

6.5 In respect of SCIC's recommendation that vessel licences should be consistent with notification dates for new and exploratory fisheries, the Commission agreed that fishing licences should be consistent with conservation measures in force, i.e. from the previous season, but should allow for changes in fishing periods which could be introduced by new and revised conservation measures.

6.6 In respect of SCIC's recommendation that Members intersessionally review the proposed draft of the CCAMLR Plan of Action (POA) in support of IPOA-IUU, the Commission generally agreed that the CCAMLR POA required more development and that any intersessional work should commence with the establishment of terms of reference and a timeline, as well as the appointment of a convener and Member contacts. The Commission agreed that any CCAMLR POA should be consistent with the terms of UNCLOS and should reflect the objectives of the Convention.

6.7 The Commission endorsed the objective of the annual compliance assessment as well as steps identified by SCIC for its preparation (Annex 5, paragraphs 3.27 to 3.30). The Commission noted that the Scientific Committee has an important role to play in assessing performance of conservation measures.

6.8 In respect of SCIC's recommendation that the Commission conduct an annual assessment of compliance with conservation measures by fishing vessels, the European Community noted that the Commission decided last year that the compliance assessment was within the responsibility of SCIC (CCAMLR-XXII, paragraph 6.12). The European Community expressed the view that this assessment should be made on the basis of the different sources of information available to the Commission, including the reporting requirements set forth in the conservation measures as well as in the System of Inspection.

6.9 Chile expressed the view that future compliance assessments should contain more comprehensive criteria encompassing most of the conservation measures and not only those which deal with mitigation procedures.

6.10 Argentina expressed the view that a particular conservation measure should not be given any higher consideration when making a compliance assessment. Argentina believed that all conservation measures are equal and any priorities should be applied only by the Flag State.

6.11 The Commission agreed that the Secretariat identify the types of monitoring data and the method of collection that are currently used in the assessment of compliance with conservation measures. The Commission also agreed that SCIC and the Scientific Committee should comment on these methods and provide recommendations on their modification or adoption by the Commission meeting in 2005 (Annex 5, paragraph 3.30).

6.12 In relation to general compliance matters, Uruguay stated that it is fully committed to acting strictly in accordance with conservation measures in force. Uruguay acknowledged that, in the past, it had experienced difficulties in controlling the activities of its flag vessels due to a lack of experience and resources. Uruguay assured the Commission that it is now making a concerted effort to redress this situation and implement stringent control over its flag vessels. Such efforts would be concentrated via both Uruguayan fishing authorities and the Uruguayan Navy.

6.13 Uruguay noted that it had already presented to the Commission a detailed explanation of its procedures for the verification of catch documents and advised that its technical personnel were available to clarify its new requirements to any Member who wished it. Uruguay reminded the Commission that it had participated in SCIC and was fully supportive of amendments to measures which would improve compliance with conservation measures in force, particularly the centralised vessel monitoring system (C-VMS), as Uruguay believed that C-VMS would be an invaluable tool for the monitoring and control of fishing vessels. This information had also been conveyed to some Members intersessionally.

6.14 In respect of information contained in paragraph 5.4 of CCAMLR-XXIII/BG/27, submitted by ASOC, Uruguay drew the attention of the Commission to ASOC's statement that 'Singapore and Uruguay still operate ports where controls are doubtful'. Uruguay informed the Commission that, since the adoption of the CDS, it had adopted domestic legislation required for the implementation of the CDS, as well as suitable controls in order to implement it. Uruguay therefore affirmed with absolute confidence that, since 2000, it has not accepted the unloading of undocumented toothfish in Uruguayan ports.

6.15 Mauritius also informed the Commission that CCAMLR-XXIII/BG/27 contained inaccurate allegations that Mauritian ports were being used for undocumented transshipments

of toothfish. Mauritius reminded the Commission that it does not allow any vessel to tranship toothfish in its ports unless that toothfish is accompanied by a catch document and the vessel can demonstrate that its VMS was fully operational for the entirety of the preceding fishing trip.