

CONSERVATION MEASURES

11.1 Conservation measures adopted at CCAMLR-XXIV will be published in the *Schedule of Conservation Measures in Force 2005/06*.

Review of existing conservation measures and resolutions

11.2 The Commission noted that the following conservation measures¹ will lapse on 30 November 2005: 32-09 (2004), 33-02 (2004), 33-03 (2004), 41-01 (2004), 41-02 (2004), 41-04 (2004), 41-05 (2004), 41-06 (2004), 41-07 (2004), 41-08 (2004), 41-09 (2004), 41-10 (2004), 41-11 (2004), 42-02 (2004), 52-01 (2004), 52-02 (2004) and 61-01 (2004). The Commission also noted that Conservation Measure 42-01 (2004) will lapse on 14 November 2005. All of these measures dealt with fishery-related matters for the 2004/05 season.

11.3 Due to new a mark-recapture program in Subarea 48.4, the Commission agreed to terminate Conservation Measure 41-03 (1999) on 30 November 2005. A new replacement measure was adopted (paragraphs 11.46 and 11.47).

11.4 The Commission agreed that the following conservation measures¹ will remain in force in 2005/06:

Compliance

10-01 (1998), 10-02 (2004).

General fishery matters

21-01 (2002), 22-01 (1986), 22-02 (1984), 22-03 (1990), 23-02 (1993), 23-03 (1991), 23-04 (2000), 23-05 (2000), 25-01 (1996), 25-03 (2003).

Fishery regulations

31-01 (1986), 32-01 (2001), 32-02 (1998), 32-03 (1998), 32-04 (1986), 32-05 (1986), 32-06 (1985), 32-07 (1999), 32-08 (1997), 32-10 (2002), 32-11 (2002), 32-12 (1998), 32-13 (2003), 32-14 (2003), 32-15 (2003), 32-16 (2003), 32-17 (2003), 33-01 (1995), 51-01 (2002), 51-02 (2002), 51-03 (2002).

Protected areas

91-01 (2004), 91-02 (2004), 91-03 (2004).

11.5 The Commission agreed that the following resolutions will remain in force in 2005/06: 7/IX, 10/XII, 14/XIX, 15/XXII, 16/XIX, 17/XX, 18/XXI, 19/XXI, 20/XXII, 21/XXIII, 22/XXIII and 23/XXIII.

¹ Reservations to these measures are given in the *Schedule of Conservation Measures in Force in 2004/05*.

Revised conservation measures

11.6 The Commission revised the following conservation measures¹:

Compliance

10-03 (2002), 10-04 (2004), 10-05 (2004), 10-06 (2004), 10-07 (2003).

General fishery matters

21-02 (2004), 23-01 (2004), 23-06 (2004), 24-01 (2003), 24-02 (2004) and 25-02 (2003).

Compliance

11.7 SCIC proposed revising Conservation Measure 10-03 to (CCAMLR-XXIV/BG/47):

- (i) insert a cross-reference to the IUU Vessel Lists established in Conservation Measures 10-06 and 10-07;
- (ii) list vessels engaged in support of fishing activities in contravention of conservation measures;
- (iii) insert a footnote from Conservation Measure 10-05 which exempts trawlers with less than 50 tonnes of toothfish on board taken as by-catch.

11.8 The Commission agreed to these revisions. However, some of the proposed changes to the text (see CCAMLR-XXIV/BG/47) were not agreed. The revised Conservation Measure 10-03 (2005) was adopted.

11.9 SCIC proposed revising Conservation Measure 10-04 to (CCAMLR-XXIV/BG/47):

- (i) reinstate a section adopted in the 2002 version of the measure which required notification of each movement between subareas and divisions;
- (ii) encourage Flag States to submit all VMS reports to the Secretariat by means of direct reporting by vessels to the Secretariat via VMS land stations;
- (iii) clarify confidentiality provision for requests by Contracting Parties of VMS data.

11.10 The Commission agreed to these revisions and Conservation Measure 10-04 (2005) was adopted.

11.11 SCIC proposed revising Conservation Measure 10-05 to (CCAMLR-XXIV/BG/47):

- (i) add a section with definitions of Port State, Landing, Export, Import, Re-export and Transshipment;
- (ii) clarify content of annual summary reports of CDS Parties;

- (iii) add a provision to the text of the measure and to the data fields to DCD and Re-export forms requiring the reporting of the transport details of toothfish shipments.

11.12 The Commission agreed to these revisions and Conservation Measure 10-05 (2005) was adopted.

11.13 SCIC proposed revising Conservation Measures 10-06 and 10-07 (CCAMLR-XXIV/BG/47). The revision to Conservation Measure 10-07 had the following main objectives:

- (i) adopt the same procedures for the establishment of the IUU Vessel List for non-Contracting Parties consistent with the amended Conservation Measure 10-06;
- (ii) simplify the deadlines and procedures for the submission of, and distribution by the Secretariat of, information related to the establishment of the IUU Vessel List and to the Adopted List;
- (iii) clarify the content of various information requested from Flag States on the vessel reported engaged in IUU fishing activities or included in the IUU Vessel List for non-Contracting Parties.

11.14 The revision of Conservation Measure 10-06 pursued the objectives described above in paragraphs 11.13(ii) and (iii) in order to make it consistent with changes made to Conservation Measure 10-07.

11.15 The Commission agreed to these revisions. However, some of the proposed changes to the text (see CCAMLR-XXIV/BG/47) were not agreed. The revised Conservation Measures 10-06 (2005) and 10-07 (2005) were adopted.

11.16 Australia expressed its deep disappointment that particular amendments to Conservation Measures 10-06 and 10-07 were unable to be adopted as one Member was unable to agree to them. Australia urged that Member to reconsider its position. Australia noted that vessels operating outside the Convention Area were supporting IUU vessels fishing inside the Convention Area. Australia noted that the Convention obliged the Commission to take such actions as are necessary to achieve the objective of the Convention. Current Conservation Measures 10-06 and 10-07 do not allow action against these vessels supporting and facilitating IUU vessels inside the Convention Area; this is a major loophole in the Commission's fight against IUU fishing. It was clearly Australia's view that the Commission has the legal and a moral authority to take actions against vessels acting contrary to the objectives of the Convention. Many other Members shared this view.

11.17 In reply to the Australian delegate, Argentina pointed out that, while sharing concerns related to the control of illegal fishing, its understanding is that the introduction of substantive changes in international law should be conducted through the appropriate mechanisms, a point of view also shared by other delegations.

General fishery matters

Notifications

11.18 The Commission revised the notification procedure for exploratory fisheries (Conservation Measure 21-02) in accordance with the advice of SCIC (Annex 5, paragraphs 3.17 to 3.19). The proposed revision clarified paragraph 5(i) with respect to the submission of licensing information at the time of submitting notifications. The revised Conservation Measure 21-02 (2005) was adopted.

Data reporting

11.19 The Commission noted the Secretariat's proposal for a 48-hour deadline for the submission of five-day catch and effort reports (CCAMLR-XXIV/BG/13). This proposal aimed to reduce the delay in reporting catches and thereby improve the Secretariat's ability to monitor fisheries and forecast closures.

11.20 The Commission recalled its discussion last year (CCAMLR-XXIII, paragraphs 10.19 and 10.20) and agreed to retain the existing deadline of two working days in Conservation Measure 23-03.

11.21 The Commission encouraged Members to investigate automated procedures for vessels to submit catch and effort reports in real time. As an initial step, the Commission noted that the Secretariat had developed a compact email format which vessels may use to send catch and effort reports.

11.22 The Commission revised the five-day catch and effort reporting system to clarify the reporting procedure, and to include data on the number of pots used in pot fisheries. The revised Conservation Measure 23-03 (2005) was adopted.

11.23 The Commission agreed that haul-by-haul data should be submitted annually for all krill fisheries (paragraph 4.33(ii)). It also agreed that monthly catch reports should be compiled at the spatial scale relevant to the management of catch limits specified in Conservation Measures 51-01 to 51-03. In respect of Conservation Measure 51-01, monthly reports are required of the catch in each of Subareas 48.1, 48.2, 48.3 and 48.4. In respect of Conservation Measure 51-02, monthly reports are required of the catch in Division 58.4.1 east of 115°E and west of 115°E. In respect of Conservation Measure 51-03, monthly reports are required of the catch in Division 58.4.2. The revised Conservation Measure 23-06 (2005) was adopted.

11.24 The Commission noted the Scientific Committee's advice on the need to modify the fine-scale haul-by-haul catch and effort data form used in the krill fisheries to take explicit account of the data from krill trawlers using the new continuous pumping technique (paragraph 10.19). This technique results in hauls which may have tow durations of several days, and may result in catches taken from more than one subarea or SSMU. The Scientific Committee and WG-EMM had requested that the Secretariat investigate this matter during the intersessional period.

11.25 The Commission welcomed Norway's advice that its flagged vessel using the new technique would record catch and effort data at whatever frequency appropriate to the needs of the Commission and Scientific Committee. For example, catch and effort data may be recorded at pre-determined time intervals (e.g. 1 hour) or at a pre-determined distance travelled while fishing (e.g. 3 n miles).

Research and experiments

11.26 The Commission recognised that the established approach of setting zero catch limits in some SSRUs (i.e. local fishery closure) and statistical areas may lead to an inconsistency with paragraph 1(a) of Conservation Measure 24-01 (paragraphs 10.12 to 10.16). The inconsistency would arise if research fishing was notified and conducted in an area with a zero catch limit. In such a circumstance, the catch from research fishing could not be considered as part of the catch limit.

11.27 Recognising that scientific research activities may be needed in some or all areas, including those with zero catch limits, the Commission agreed that catches for research purposes should be considered a part of any catch limits in force for each species taken unless the catch limit in an area was set at zero. Further, in the event of research being undertaken in an area with a zero catch limit, the catches should be considered to be the catch limit for the season in that area unless the zero catch limit area was part of a group of areas for which an overall catch limit was set. In this latter case the research catches should be considered as part of the overall catch limit for that group of areas. A further clause was included when catch limits were grouped by managed area (paragraphs 11.58 and 11.59).

11.28 The revised Conservation Measure 24-01 (2005) was adopted. The application of this measure in the exploratory fisheries in Subareas 88.1 and 88.2 was specified in conservation Measures 41-09 and 41-10 respectively (see below).

11.29 The Commission recalled its request last year (CCAMLR-XXIII, paragraph 10.24) that the Scientific Committee review available data on the maximum length of longlines used in the Convention Area with respect to Conservation Measure 24-02 and longline sink rate testing. The Scientific Committee recommended that the requirement for line sink rate testing prior to entering the Convention Area should be changed from the current requirement to test a maximum length of longline to that of testing a specified minimum length (SC-CAMLR-XXIV, paragraph 5.19).

11.30 Additional revisions to Conservation Measure 24-02 were suggested by Japan to accommodate vessels using the Spanish system with longlines less than the specified minimum length and also to accommodate vessels using systems other than the autoline or Spanish longline system. This latter revision was suggested to allow for the Commission-endorsed experimental trials to test the bottom-line system on the *Shinsei Maru* in 2005/06 (SC-CAMLR-XXIV, paragraph 5.54). Accordingly, Conservation Measure 24-02 (2005) was adopted.

11.31 The Commission revised Conservation Measure 25-02 so as to allow Members to test variations in the design of mitigation measures for longlines. The wording of paragraph 7 from the version adopted in 2002 was reinstated with a small revision.

11.32 The revised Conservation Measure 25-02 (2005) was adopted. In adopting this measure, the Commission agreed to avoid quoting, to the extent possible, bibliographic references in conservation measures.

Definitions

11.33 The Commission reconfirmed its working definitions agreed for 'offal', seabirds 'caught' and 'incineration ash' (CCAMLR-XXIII, paragraphs 10.28 to 10.33).

New conservation measures

General fishery matters

Fishing seasons, closed areas and prohibition of fishing

11.34 The Commission agreed to renew the prohibition of directed fishing for *Dissostichus* spp. except in accordance with specific conservation measures. Accordingly, directed fishing for *Dissostichus* spp. in Subarea 48.5 was prohibited in the 2005/06 season, and the Commission adopted Conservation Measure 32-09 (2005).

By-catch limits

11.35 The Commission recalled that the Scientific Committee had been unable to provide new advice on by-catch catch limits (SC-CAMLR-XXIV, paragraph 4.186).

11.36 The Commission agreed to apply the existing by-catch catch limits in Division 58.5.2 in the 2005/06 season. The Commission noted that there had been occasions in the fishery when the capture of a single large sleeper shark (*Somniosus* spp.) weighing more than 1 tonne had invoked the move-on rule for 'other by-catch species' (Conservation Measure 33-02 (2004), paragraph 5). The Commission agreed to include *Somniosus* spp. in the list of selected species for which the move-on rule applies when 2 tonnes or more are caught in any one haul. Accordingly, Conservation Measure 33-02 (2005) was adopted.

11.37 The Commission agreed to apply the existing by-catch catch limits for exploratory fisheries in the 2005/06 season, taking account of the revised catch limit for *Dissostichus* spp. in Subareas 88.1 and 88.2 and the consequential changes to by-catch catch limits in those subareas.

11.38 In addition, the Commission agreed to a new move-on rule in exploratory fisheries which was designed to encourage Members and their vessels to further improve the selectivity of fishing gear and fishing methods. This rule requires vessels to monitor the by-catch of *Macrourus* spp. relative to that of *Dissostichus* spp. at 10-day intervals. If the catch of *Macrourus* spp. taken by a single vessel in any two 10-day periods in a single SSRU exceeds 16% by weight of the vessel's catch of *Dissostichus* spp. in those periods, then the vessel is required to cease fishing in that SSRU for the remainder of the season. For example, a vessel

might fish in an SSRU for part of the first 10-day period in January and catch 5 tonnes of macrourids and 20 tonnes of toothfish (a by-catch rate of 25%), triggering this rule in respect of its first 10-day period. In order to seek areas of lower by-catch rates it might choose to move to another SSRU and to return to the first SSRU at a later date. Suppose that it returns to the first SSRU halfway through the second 10-day period in February and achieves a by-catch rate of 10%. It continues fishing in the same SSRU in the third 10-day period in February and achieves a by-catch rate of 20%, fully triggering the rule because it has had a by-catch rate of greater than 16% for two 10-day periods in this SSRU. From the end of the third 10-day period in February the vessel would no longer be able to fish in this SSRU.

11.39 The revised Conservation Measure 33-03 (2005) was adopted. The Commission noted that responsibility for implementation of this rule lies with the Flag State and the vessel and not the observer. It recognised, however, that in practice the rule could place additional burdens on the scientific observer. The Commission requested that the Scientific Committee provide it with an analysis of the effectiveness of this rule in reducing by-catch in Subareas 88.1 and 88.2 in the 2005/06 fishing season, and that SCIC and the Scientific Committee review the implications of the rule on observer workload at its 2006 meeting.

Environmental protection

11.40 The Commission agreed to extend the environmental protection implemented in the fisheries in Subareas 88.1 and 88.2, to other fisheries operating south of 60°S. These environmental protection elements regulate the disposal of plastic packaging bands, the dumping or discharge of oil, garbage, food wastes, poultry, sewage, offal or incineration ash, and the translocation of poultry. These elements were added to Conservation Measures 41-04 (Subarea 48.6, south of 60°S), 41-05 (Division 58.4.2) and 41-11 (Division 58.4.1, south of 60°S).

Toothfish

11.41 The Commission removed the requirement to carry out specific research sets as defined in Annex 41-01/B of Conservation Measure 41-01 in the exploratory fisheries in Subareas 88.1 and 88.2. In its place, the Commission agreed that there be a requirement that all fish of each *Dissostichus* species in a haul (up to a maximum of 35 fish) be measured and randomly sampled for biological studies from all lines hauled in Subareas 88.1 and 88.2.

11.42 The Commission recalled that some Members engaged in exploratory fisheries in 2004/05 had encountered difficulties meeting the requirements for the tagging program defined in Annex 41-01/C (paragraph 10.8). The Commission agreed to include a footnote in this annex to address this difficulty in the short term.

11.43 The revised Conservation Measure 41-01 (2005) was adopted. In adopting this measure, the Commission requested that Members experiencing difficulties in implementing the tagging program submit detailed information to WG-FSA for further investigation. The Scientific Committee was requested to advise on this matter in 2006.

11.44 The Commission endorsed the Scientific Committee's advice on the longline and pot fishery for *D. eleginoides* in Subarea 48.3 (SC-CAMLR-XXIV, paragraphs 4.59 to 4.62). The Commission agreed that the revised catch limit for *D. eleginoides* (3 556 tonnes) should be divided amongst the three management areas as follows:

Area A (West Shag Rocks):	0 tonnes (closed)
Area B (Shag Rocks):	1 067 tonnes (30 % of the catch limit)
Area C (South Georgia):	2 489 tonnes (70% of the catch limit).

11.45 The Commission also revised the by-catch catch limits to 177 tonnes (5% of the catch limit for *D. eleginoides*) for *Macrourus* spp. and 177 tonnes (5% of the catch limit for *D. eleginoides*) for skates and rays. For the purpose of these by-catch limits, 'Macrourus spp.' and 'skates and rays' shall each be counted as a single species. The Commission noted that the season for longline fishing operations may be extended to 14 September for any vessel which had demonstrated full compliance with Conservation Measure 25-02 in the 2004/05 fishing season (SC-CAMLR-XXIV, Annex 5, Appendix O, paragraph 61). The Commission adopted Conservation Measure 41-02 (2005).

11.46 The Commission noted the advice of the Scientific Committee regarding the conduct of the fishery for *D. eleginoides* in Subarea 48.4 in the 2004/05 season (SC-CAMLR-XXIV, paragraph 4.114), including the initiation of a mark-recapture program by the UK to assess the size of the toothfish population in the area. The Commission endorsed the advice of the Scientific Committee that the UK's mark-recapture program in Subarea 48.4 be established for the next three to five years (SC-CAMLR-XXIV, paragraph 4.118), and noted the requirement to amend Conservation Measure 41-03 to accommodate this program. The changes required include a revision of the catch limit of *D. eleginoides* to 100 tonnes per season, a revised fishing season of 1 April to 30 September, and a requirement for each vessel operating in the fishery to undertake a tagging program in accordance with the CCAMLR Tagging Protocol.

11.47 The Commission adopted Conservation Measure 41-03 (2005), covering the 2005/06, 2006/07 and 2007/08 seasons. For the purposes of this conservation measure, the area of fishing will be restricted to the portion of Subarea 48.4 north of a deep-water trench between Candlemas Islands and Saunders Island in order to increase the likelihood of a successful assessment at the end of this period. The Commission noted the advice of the Scientific Committee that the depth of water in this trench is such that it may form a natural barrier to the movement of fish, hence the area to the north represents a discreet area suitable for the assessment of population size using the mark-recapture approach. Fishing and tagging will be distributed throughout this area, over all depths where it is operationally possible to do so within the constraints of ice presence and bottom topography.

11.48 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 48.6 in 2005/06 would be limited to Japanese and New Zealand flagged vessels using longlines only, and that no more than one vessel per country shall fish at any one time. Other elements regulating this fishery were carried forward. The Commission introduced new environmental requirements for vessels fishing south of 60°S (paragraph 11.40). Conservation Measure 41-04 (2005) was adopted.

11.49 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.1 in 2005/06 would be limited to one (1) Australian, two (2) Chilean, two (2)

Korean, three (3) New Zealand, two (2) Spanish and one (1) Uruguayan flagged vessels using longlines only. Other elements regulating this fishery were carried forward. The Commission introduced new environmental requirements for vessels fishing south of 60°S (paragraph 11.40). Conservation Measure 41-11 (2005) was adopted.

11.50 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.2 in 2005/06 would be limited to one (1) Australian, two (2) Chilean, one (1) Korean, two (2) New Zealand and two (2) Spanish flagged vessels using longlines only. Other elements regulating this fishery were carried forward, and the Commission introduced new environmental requirements (paragraph 11.40). Conservation Measure 41-05 (2005) was adopted.

11.51 The Commission recalled that it had established a system of alternate open and closed SSRUs in Divisions 58.4.1 and 58.4.2 (CCAMLR-XXIII, paragraphs 10.57 and 10.59). The Commission urged Members to submit information which would allow the Scientific Committee to review the suitability of this system for managing *Dissostichus* spp. and for protecting benthic communities in high latitudes.

11.52 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3a in 2005/06 would be limited to Australian, Korean, Chilean and Spanish flagged vessels using longlines only, and that no more than one vessel per country would fish at any one time. Other elements regulating this fishery were carried forward, and Conservation Measure 41-06 (2005) was adopted.

11.53 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3b in 2005/06 would be limited to Australian, Chilean, Korean, Spanish and Uruguayan flagged vessels using longlines only, and that no more than one vessel per country would fish at any one time. Other elements regulating this fishery were carried forward.

11.54 Some Members proposed that the Commission increase the precautionary catch limit for *Dissostichus* spp. in Division 58.4.3b so as to allow increased fishery-based research, including tagging, and a greater presence in the area for the purpose of surveillance. The Commission did not have time to consider this proposal fully and therefore deferred to the previous advice from the Scientific Committee and agreed to retain the existing precautionary catch limit. It encouraged a review of this issue prior to its 2006 meeting.

11.55 Conservation Measure 41-07 (2005) was adopted. In adopting this measure the Commission requested the Scientific Committee to make greater use of the available data from the exploratory fishery for *Dissostichus* spp. in Division 58.4.3b, and to review its management advice for this fishery.

11.56 The Commission endorsed the Scientific Committee's advice on the trawl and longline fishery for *D. eleginoides* in Division 58.5.2 in the 2005/06 season, and agreed on the use of pots in this fishery (SC-CAMLR-XXIV, paragraphs 4.77 and 4.78). The advice included the catch limit of 2 584 tonnes which was applicable west of 79°20'E. In addition, the fishing season for the trawl and pot fisheries was defined as the period from 1 December 2005 to 30 November 2006, while the season for longlining was defined as the period from 1 May to 31 August 2006. In addition, the season for longline fishing operations may be extended to

30 September 2006 for any vessel which had demonstrated full compliance with Conservation Measure 25-02 in the 2004/05 season (SC-CAMLR-XXIV, Annex 5, Appendix O, paragraph 61). Conservation Measure 41-08 (2005) was adopted.

11.57 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.1 in 2005/06 would be limited to two (2) Argentine, two (2) Korean, five (5) New Zealand, one (1) Norwegian, two (2) Russian, one (1) South African, three (3) Spanish, two (2) UK and three (3) Uruguayan flagged vessels using longlines only.

11.58 The Commission agreed to the following catch limit for *Dissostichus* spp. in Subarea 88.1 (SC-CAMLR-XXIV, paragraphs 4.173 to 4.176):

Whole of Subarea 88.1:	2 964 tonnes
SSRU A:	0 tonnes (closed)
SSRUs B, C and G (northern):	348 tonnes total
SSRU D:	0 tonnes (closed)
SSRU E:	0 tonnes (closed)
SSRU F:	0 tonnes (closed)
SSRUs H, I and K (slope):	1 893 tonnes total
SSRU J:	551 tonnes
SSRU L:	172 tonnes.

11.59 As for other exploratory fisheries, the by-catch catch limits for this fishery are defined in Conservation Measure 33-03. However, as a number of SSRUs in Subarea 88.1 have been grouped for management purposes, the by-catch limits are explicitly stated in Conservation Measure 41-01.

11.60 The Commission agreed that the setting of research hauls (Conservation Measure 41-01, Annex B, paragraphs 3 and 4) is no longer required in that fishery (see paragraph 4.59).

11.61 The Commission agreed that research fishing under Conservation Measure 24-01 should be limited to 10 tonnes of catch and one vessel in each of SSRUs A, D, E and F. Based on past fishing activities, the Commission agreed that catches taken in SSRUs E and F should be considered part of the overall catch limit in Subarea 88.1; catches taken in SSRUs A and D would not be considered part of the overall catch limit.

11.62 The Commission adopted Conservation Measure 41-09 (2005). Some Members expressed concern that by agreeing not to count catches from SSRUs A and D against the overall catch limit in Subarea 88.1, the total catch taken by the fishery and research fishing in 2005/06 may exceed the catch limit advised by the Scientific Committee by 20 tonnes. The Commission agreed that this situation should not set a precedent for future management of Subarea 88.1, and requested the Scientific Committee to review the implications of this decision.

11.63 Following the adoption of Conservation Measure 41-09, New Zealand recorded its concern that the conservation measure allowed research fishing which would not be considered as part of the total catch limit of *Dissostichus* spp. in Subarea 88.1, in conflict with the clear advice provided to the Commission by the Scientific Committee that 2 964 tonnes in total of *Dissostichus* spp. be taken from this area.

11.64 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.2 in 2005/06 would be limited to two (2) Argentine, one (1) Korean, five (5) New Zealand, one (1) Norwegian, two (2) Russian, three (3) Spanish, two (2) UK and one (1) Uruguayan flagged vessels using longlines only.

11.65 The Commission noted that the Scientific Committee had conducted an assessment for SSRU E in Subarea 88.2 (SC-CAMLR-XXIV, paragraph 4.174), and had advised that SSRUs A and B should be closed to fishing (paragraph 10.11). However, the Scientific Committee was unable to provide advice on catch limits for SSRUs C, D, F and G in that subarea.

11.66 In the absence of scientific advice, the Commission agreed to apply the overall catch limit of 375 tonnes, agreed to apply for *Dissostichus* spp. to the seven SSRUs in Subarea 88.2 in the 2004/05 season, pro rata to the four SSRUs C, D, F and G for the 2005/06 season. This yielded a catch limit of 214 tonnes for the four SSRUs (i.e. four-sevenths of 375 tonnes).

11.67 The Commission agreed to the following catch limit for *Dissostichus* spp.:

Subarea 88.2 south of 65°S:	487 tonnes
SSRU A:	0 tonnes (closed)
SSRU B:	0 tonnes (closed)
SSRUs C, D, F and G:	214 tonnes total
SSRU E:	273 tonnes.

11.68 As for other exploratory fisheries, the by-catch catch limits for this fishery are defined in Conservation Measure 33-03. However, as a number of SSRUs in Subarea 88.2 have been grouped for management purposes, the by-catch limits are explicitly stated in the measure for this fishery.

11.69 The Commission agreed that the setting of research hauls (Conservation Measure 41-01, Annex B, paragraphs 3 and 4) was no longer required in that fishery (see paragraph 11.68).

11.70 The Commission also agreed that research fishing under Conservation Measure 24-01 should be limited to 10 tonnes of catch and one vessel in each of SSRUs A and B. Based on past fishing activities, the Commission agreed that catches taken in SSRUs A and B should be considered as part of the overall catch limit in Subarea 88.2.

11.71 The Commission adopted Conservation Measure 41-10 (2005).

11.72 The Commission noted that the Scientific Committee had considered the Ross Sea as a discrete ecological unit which comprised Subarea 88.1 and SSRUs A and B in Subarea 88.2. The Commission encouraged Members to contribute information which may assist in a review of the statistical boundary between Subareas 88.1 and 88.2.

11.73 The UK expressed concern that a number of the vessels intending to fish in the exploratory fisheries in Subareas 88.1 and 88.2 did not, according to their notifications, meet the specification on ice strengthening set out in Resolution 20/XXII. Whilst recognising that such specifications are not mandatory, the UK was nevertheless of the view that Members should in future pay particular attention to ice-strengthening provisions. The use of non-ice strengthened vessels in high-latitude ice-infested Antarctic waters increases the risk to such vessels and their crew and in consequence the risk of impact to the Antarctic environment.

11.74 Spain, Argentina, Australia, Chile and New Zealand (which noted it had search and rescue responsibility for much of Subareas 88.1 and 88.2) shared the concern expressed by the UK about the potentially serious consequences of having vessels that do not meet ice-strengthening requirements. These Parties believed that the solution should be to take a step forward and have Resolution 20/XXII turned into a conservation measure.

Details of vessels nominated for exploratory
fisheries in 2005/06

11.75 Australia expressed its great concern at the apparent link between two companies proposing to undertake exploratory fisheries in 2005/06 and companies known to be involved in IUU fishing.

11.76 Australia noted that the exploratory fishery notification from Uruguay stated that Mabenal S.A. was the owner of the *Paloma V*. The commercial corporate reporting firm Dun and Bradstreet lists Mabenal S.A. office address as:

Plaza Cagancha 1335
Montevideo, Uruguay 11000
Telephone (598) 2-900-2602.

11.77 It was apparent from information given by the defendant's counsel during the US indictment of Antonio Vidal Pego that this is the same address and telephone number as Fadilur S.A., the company which owns the fishing vessel *Hammer* (previously known as *Carran*), a vessel included on the CCAMLR IUU Vessel List for repeatedly having engaged in IUU fishing.

11.78 Australia also noted that the notification from Spain involving the *Galaecia* gave the vessel owner's name and address as Vidal Armadores S.A., La Coruña, Spain. The US indictment of Vidal Pego relates to illegal importation of toothfish, which was seized by US authorities. The fish were caught by the *Carran*, now named *Hammer*. Legal counsel for Fadilur has informed the US authorities that documents related to the management of Fadilur are located at the offices of Vidal Armadores, S.A., Avenida de la Coruña 18, Bajo, 15960, Ribeira La Coruña, Spain. This address is the same as that given for the vessel *Galaecia* nominated by Spain.

11.79 Australia requested Uruguay and Spain, and the European Community in respect of the Spanish proposal, to investigate the *bona fides* of the companies involved and clearly establish that they have no links to IUU fishing before they license those vessels to fish in the Convention Area.

11.80 New Zealand recalled the concerns it had earlier presented about two vessels notified for these fisheries by Spain and Uruguay. In particular, New Zealand noted the indictment recently issued by the US Department of Justice against Antonio Vidal Pego, a Spanish national, and Fadilur S.A, a Uruguayan corporation, on charges of importing and conspiring to sell illegally possessed toothfish, charges that carried substantial penalties under US law, and recalled that Mr Vidal was linked to five vessels on CCAMLR's IUU Vessel List.

11.81 Mr Vidal was listed in the Spanish notification as the contact point for the Spanish-flagged vessel *Galaecia*. The information that had been provided by Australia also indicated that Mr Vidal maintained a connection with the Uruguayan-flagged vessel *Paloma V*.

11.82 New Zealand noted it had discussed its concerns directly with the delegations concerned and urged them to withdraw the vessels. New Zealand wished to record its hope that both Spain and Uruguay respectively would investigate these matters and not license the vessels *Galaecia* and *Paloma V* to participate in CCAMLR's new and exploratory fisheries in the coming season.

11.83 The European Community underlined that it took the issue raised by Australia and New Zealand very seriously and that it will thoroughly investigate the matter together with the concerned European Community Member State. The European Community also ensured that it is fully committed to combat IUU fishing and to conservation and sustainable management of fish stocks in the CAMLR Convention Area.

11.84 Uruguay was grateful for the interest some Members had demonstrated in trying to cooperate in efforts to allay any kind of IUU fishing activities.

11.85 The *Paloma V* had participated in exploratory and regulated fisheries in the CAMLR Convention Area in previous years, complying with the relevant conservation measures, with no infringement reported.

11.86 As recorded in CCAMLR-XXIV/BG/50, the owner of the vessel in question is Mabenal S.A., a publicly listed company registered under Uruguayan law as a Sociedad Anonima, whose owners are its stockholders. This is a legal entity which is consistent with information presented in CCAMLR-XXIV/BG/50, which also shows that many vessels of other Parties to the Convention are owned by such companies. Uruguay's official records show that Mabenal S.A.'s office address is:

Juncal 1378
Oficina 903.

11.87 In this particular case, Uruguay understood that there were no concrete legal or procedural elements to counter the participation of the *Paloma V* in exploratory fisheries. Furthermore, it noted that the views expressed by some Members of the Commission were based solely on circumstantial evidence.

11.88 If Uruguay was to receive a formal request, by proper diplomatic channels, there should be no doubt that it would take all the appropriate steps required.

11.89 Spain stated that its authorities pay due attention to the common concern about IUU fishing, and confirms that it is willing to apply its national laws where there is legal evidence of illegal fishing. There was no such case in relation to its notifications for exploratory fisheries.

11.90 Australia welcomed the commitment of Uruguay and Spain to investigate the concerns raised and indicated that it would make a formal request to Uruguay (paragraph 11.88).

Icefish

11.91 The Commission endorsed the Scientific Committee's advice on the trawl fishery for *C. gunnari* in Subarea 48.3 in the 2005/06 season (SC-CAMLR-XXIV, paragraphs 4.100 and 4.101). The Commission agreed a catch limit of 2 244 tonnes for the 2005/06 season, and the retention of the other elements of Conservation Measure 42-01 (2004). The Commission also agreed to the catch limit of *C. gunnari* during the spawning period (1 March to 31 May) of 561 tonnes (25% of the total catch limit for the season), and that any catch taken between 1 October and 14 November 2005 shall be counted against the total catch limit for the 2005/06 fishing season.

11.92 The Commission agreed that the 2005/06 fishing season in this fishery would begin on 15 November 2005 and end on 14 November 2006. Accordingly, Conservation Measure 42-01 (2005) was adopted.

11.93 The Commission endorsed the Scientific Committee's advice on the trawl fishery for *C. gunnari* on the Heard Island Plateau part of Division 58.5.2 in the 2005/06 season (SC-CAMLR-XXIV, paragraphs 4.106 to 4.109). This advice included setting the catch limit for *C. gunnari* at 1 210 tonnes, and related advice for the 2006/07 season (paragraph 4.45).

11.94 The Commission adopted Conservation Measure 42-02 (2005).

Crab

11.95 The Commission carried forward the measures for the crab fishery in Subarea 48.3 in the 2005/06 season (SC-CAMLR-XXIV, paragraph 4.182). Conservation Measures 52-01 (2005) and 52-02 (2005) were adopted.

Squid

11.96 The Commission agreed that the existing measure for the exploratory jig fishery for *M. hyadesi* in Subarea 48.3 be maintained for the 2005/06 fishing season (SC-CAMLR-XXIV, paragraph 4.184). Conservation Measure 61-02 (2005) was adopted.

New resolutions

11.97 The Commission adopted Resolution 24/XXIV on a Non-Contracting Party Cooperation Enhancement Program (paragraph 8.9).

Environmental protection

11.98 At CCAMLR-XXIII, the Secretariat had tabled a proposal that the environmental protection-related provisions of CCAMLR fishery measures be consolidated into a single measure insofar as these provisions relate directly to the potential environmental

consequences of fishing activities (CCAMLR-XXIII, paragraph 10.101). The Commission agreed that additional consideration was necessary, particularly in relation to harmonising environmental requirements in CCAMLR fisheries with those of the International Convention for the Prevention of Pollution from Ships (MARPOL) and the Madrid Protocol. The Secretariat was tasked with further developing the concept of consolidating CCAMLR environmental-protection related provisions (CCAMLR-XXIII, paragraph 10.102).

11.99 The Commission briefly considered the developments undertaken by the Secretariat during the 2004/05 intersessional period (CCAMLR-XXIV/34). This work included a revised draft conservation measure entitled 'General Environmental Protection during Fishing', and a companion draft resolution entitled 'General Environmental Protection during Fishing in Waters adjacent to the CCAMLR Area'.

11.100 The Commission agreed to give full consideration to this matter at its next meeting, and requested that SCIC consider the Secretariat's proposal (CCAMLR-XXIV/34) at its 2006 meeting.

11.101 The Commission also requested the Secretariat to distribute the draft environmental protection measure, along with its consequent changes to fishery-related measures, during the forthcoming intersessional period so that Members may consider the implications of this proposal.

General

11.102 Australia advised the Commission that any fishing or fisheries research activities in that part of Divisions 58.4.3a, 58.4.3b and 58.5.2 that constitutes the Australian EEZ around the Australian Territory of Heard Island and McDonald Islands must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the Territory. Australia regarded unauthorised fishing in its waters as a serious matter that undermines efforts to ensure fishing occurs only on an ecologically sustainable basis. Australia seeks the assistance of other CCAMLR Members in ensuring their nationals and vessels are aware of the limits of the Australian EEZ and the need for prior permission to fish there. Australia has implemented strict controls to ensure that fishing in its EEZ occurs only on a sustainable basis. These controls include a limit on the number of fishing concessions issued. Presently, fishing concessions are fully subscribed and no further concessions are available in 2005/06. Australia has legislation to provide for large penalties for illegal fishing in Australia's EEZ, including the immediate forfeiture of foreign vessels found engaged in such activities. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority.