

**PROPOSAL FOR A CONSERVATION MEASURE CONCERNING  
THE ADOPTION OF A TRADE MEASURE TO PROMOTE COMPLIANCE**

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The Commission,

Noting that the objective of the CCAMLR is the conservation of Antarctic marine living resources and that, pursuant to Article II(i) of the Convention, the term ‘conservation’ includes rational use,

Considering the need for action to ensure the effectiveness of the measures to achieve the objectives of the CCAMLR, focusing, at this stage, on conservation measures related to *Dissostichus* spp.,

Aware of the need for sustained efforts by Contracting Parties to ensure the enforcement of CCAMLR conservation measures, and the need to encourage non-Contracting Parties to abide by these measures,

Noting that trade restrictive measures should be implemented only as a last resort, where other measures have proved unsuccessful to preventing, deterring and eliminating any act or omission that diminishes the effectiveness of CCAMLR conservation measures,

Noting that trade restrictive measures should be implemented in accordance with the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU),

Also noting that trade restrictive measures should be adopted and to this end implemented in accordance with international law, including rights and obligations established in the World Trade Organization (WTO) Agreements, and implemented in a fair, transparent and non-discriminatory manner,

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

1. Contracting Parties that import *Dissostichus* spp. products, or in whose ports those products are landed, shall take appropriate measures aiming at identifying such products, collect and examine the relevant import, landing or associated data on such products, in order to submit the relevant information in a timely manner to the Secretariat for distribution to the other Contracting Parties to collect any additional element in order that the Commission can identify each year:
  - (a) names and flags of the vessels that caught and produced such products
  - (b) product types
  - (c) areas of catch (inside the CCAMLR area)
  - (d) product weight by product type
  - (e) points of export
  - (f) names and addresses of owners of the vessels
  - (g) number of registration of the vessels.

2. The Commission, through its Standing Committee for Implementation and Compliance (SCIC) will identify each year:
    - (a) (i) Contracting Parties that have failed to fulfil their obligations under the CCAMLR Convention in respect of CCAMLR conservation measures related to *Dissostichus* spp., in particular, by not taking measures or exercising effective control to ensure compliance with such CCAMLR conservation measures by vessels flying their flags, operators under their jurisdiction and their nationals subject to their jurisdiction, including beneficial owners; and/or
    - (ii) non-Contracting Parties that have failed to take measures or exercise effective control to ensure that vessels flying their flags do not engage in any activities that undermines the effectiveness of CCAMLR conservation measures on *Dissostichus* spp.
  - (b) These identifications shall be based on a review of all information provided in accordance with paragraph 1 or, as appropriate, any other relevant information, such as: the catch data compiled by the Commission; trade information on *Dissostichus* spp. obtained from national statistics; the Catch Documentation Scheme for *Dissostichus* spp.; the CCAMLR IUU Vessel Lists (Conservation Measures 10-06 and 10-07); as well as any other relevant information.
  - (c) In determining such identifications, the SCIC shall consider all relevant matters, including the history, nature, circumstances, extent, and gravity of the act or omission that may have diminished the effectiveness of relevant CCAMLR conservation measures related to *Dissostichus* spp.
3. The Commission shall ask the Contracting Parties and Non-Contracting Parties identified under paragraph 2 to rectify the act or omission that led to their identification, and notify them of the following:
    - (a) the reason(s) for the identification, with all available supporting evidence;
    - (b) the opportunity to respond to the Commission in writing, at least 30 days prior to the annual meeting of the Commission with regard to the identification, decision and other relevant information, for example, evidence refuting the identification or, where appropriate, a plan of action for improvement and the steps they have taken to rectify the situation;
    - (c) in the case of a non-Contracting Party, invite it to participate as an observer at the annual meeting where the issue will be considered.
  4. Contracting Parties are encouraged, jointly and individually, to ask Contracting Parties or non-Contracting Parties identified pursuant to paragraph 2 to rectify the act or omission that led to their identification under paragraph 2, so as not to diminish the effectiveness of CCAMLR conservation measures related to *Dissostichus* spp.
  5. The Commission, through the Executive Secretary, should, by more than one means of communication, within 10 working days following the approval of the SCIC report,

transmit the Commission's request to the identified Contracting Parties or non-Contracting Parties, to provide within one month and seek to obtain confirmation from the Contracting Parties or non-Contracting Parties that it received the notification.

6. SCIC shall expeditiously evaluate the response of each Contracting Party or non-Contracting Party, together with any new information, and recommend that the Commission decide on one of the following actions to be applied to each Contracting Party or non-Contracting Party:
  - (a) revoke its identification made pursuant to paragraph 2; or
  - (b) continue its identification made pursuant to paragraph 2; or
  - (c) adopt non-discriminatory trade-restrictive measures on imports of *Dissostichus* spp.

Absence of response from the Contracting Parties or non-Contracting Parties concerned within the time-limit shall not prevent action from the Commission.

Trade measures should be used only in exceptional circumstances where such actions as the Commission may take to promote compliance have proven unsuccessful and only after prior consultation with interested parties.

7. If the Commission decides on the action described in paragraph 6.c, it shall recommend to the Contracting Parties, pursuant to Articles IX of the CCAMLR Convention, to take specific non-discriminatory trade restrictive measures, consistent with their international obligations and proportionate to the possible long term damage to the stocks and the ecosystem concerned. The Commission should notify the Contracting Parties and non-Contracting Parties concerned of the decision and the underlying reasons, in accordance with the procedures specified in paragraph 5.
8. Contracting Parties shall notify the Commission of any measures that they have taken for the implementation of the non-discriminatory trade restrictive measures adopted in accordance with paragraph 7.
9. In order for the Commission to recommend the lifting of trade restrictive measures, the SCIC shall review each year all trade restrictive measures adopted in accordance with paragraph 7. Should this review show that the situation has been rectified, the SCIC shall recommend to the Commission the lifting of the non-discriminatory trade restrictive measures. Such decisions shall also take into consideration whether the Contracting Parties and non-Contracting Parties concerned have taken concrete measures capable of achieving a lasting improvement of the situation.
10. Where exceptional circumstances so warrant or where the available information clearly shows that, despite the lifting of trade restrictive measures, a Contracting Party or non-Contracting Party continues to diminish the effectiveness of CCAMLR conservation measures related to *Dissostichus* spp., the Commission may decide on immediate action regarding that Contracting Party or non-Contracting Party, including, as appropriate, the imposition of trade restrictive measures in accordance with paragraph 7. Before making such a decision, the Commission shall ask the Contracting Party or non-Contracting Party concerned to discontinue its wrongful conduct and shall provide the Contracting Party or non-Contracting Party with a reasonable opportunity to respond.

11. The Commission shall establish annually a list of Contracting Parties or non-Contracting Parties that are subject to a trade restrictive measure pursuant to paragraph 7.