

CONSERVATION MEASURES

12.1 Conservation measures adopted at CCAMLR-XXV will be published in the *Schedule of Conservation Measures in Force 2006/07*.

Review of existing conservation measures and resolutions

12.2 The Commission noted that the following conservation measures¹ will lapse on 30 November 2006: 32-09 (2005), 33-02 (2005), 33-03 (2005), 41-01 (2005), 41-02 (2005), 41-04 (2005), 41-05 (2005), 41-06 (2005), 41-07 (2005), 41-08 (2005), 41-09 (2005), 41-10 (2005), 41-11 (2005), 42-02 (2005), 52-01 (2005), 52-02 (2005) and 61-01 (2005). The Commission also noted that Conservation Measure 42-01 (2005) will lapse on 14 November 2006. All of these measures dealt with fishery-related matters for the 2005/06 season.

12.3 The Commission agreed that the following conservation measures¹ will remain in force in 2006/07:

Compliance

10-01 (1998) and 10-03 (2005).

General fishery matters

22-01 (1986), 22-02 (1984), 22-03 (1990), 23-01 (2005), 23-02 (1993), 23-03 (1991), 23-04 (2000), 23-05 (2000), 23-06 (2005), 24-01 (2005), 24-02 (2005), 25-02 (2005) and 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) and 33-01 (1995).

Protected areas

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

12.4 The Commission requested that the Scientific Committee examine the requirement to review CEMP site protection under Conservation Measure 91-01 in respect of Conservation Measures 91-02 and 91-03 (protection of Cape Shirreff and Seal Island respectively) and, if required, conduct a review at the earliest opportunity (SC-CAMLR-XXV, paragraph 3.17).

12.5 The Commission agreed that Conservation Measure 25-01 (1996) be rescinded (see paragraph 12.36).

12.6 The Commission agreed that the following resolutions will remain in force in 2006/07: 7/IX, 10/XII, 14/XIX, 15/XXII, 16/XIX, 17/XX, 18/XXI, 19/XXI, 20/XXII, 21/XXIII and 23/XXIII.

12.7 The Commission agreed that Resolution 24/XXIV be rescinded (see Annex 8).

¹ Reservations to these measures are given in the *Schedule of Conservation Measures in Force in 2005/06*.

Revised conservation measures

12.8 The Commission revised the following conservation measures¹:

Compliance

10-02 (2004), 10-04 (2005), 10-05 (2005), 10-06 (2005) and 10-07 (2005).

General fishery matters

21-01 (2002) and 21-02 (2005).

Fishery regulations

41-03 (2005), 51-01 (2002), 51-02 (2002) and 51-03 (2002).

Compliance

12.9 The Commission endorsed SCIC's recommendation to amend Conservation Measure 10-02 (Licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area) to require reporting by licensed vessels of IUU fishing activity (paragraph 7.13 and Annex 5, paragraph 3.37). The revised Conservation Measure 10-02 (2006) was adopted.

12.10 The Commission endorsed SCIC's recommendation to amend Conservation Measure 10-04 (Automated satellite-linked vessel monitoring systems) to clarify the requirements for reporting vessel exit notifications and formats for reporting via email (paragraph 7.13 and Annex 5, paragraph 3.38). The revised Conservation Measure 10-04 (2006) was adopted.

12.11 The Commission endorsed SCIC's recommendation to amend Conservation Measure 10-05 (Catch Documentation Scheme for *Dissostichus* spp.) to clarify that only government personnel can authorise documents and the inclusion of a new annex establishing a process to recognise non-Contracting Parties which participate in the trade of *Dissostichus* spp. (paragraph 7.13 and Annex 5, paragraphs 3.39 and 3.40). The revised Conservation Measure 10-05 (2006) was adopted.

12.12 The Commission considered SCIC's recommendation to amend Conservation Measure 10-06 (Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures) (paragraph 7.13 and Annex 5, paragraphs 3.39 and 3.40). The Commission agreed to restrict access to ports and facilities by vessels on the CP-IUU Vessel List, and extend the actions which Contracting Parties may take in relation to those vessels. Accordingly, the revised Conservation Measure 10-06 (2006) was adopted.

12.13 The Commission also agreed to amend Conservation Measure 10-07 (Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures) to restrict access to ports and facilities by vessels on the NCP-IUU Vessel List, and extend the actions which Contracting Parties may take in relation to those vessels. The revised Conservation Measure 10-07 (2006) was adopted.

12.14 Uruguay stated that the amendments to Conservation Measure 10-06, paragraphs 18(iv) and (v) and Conservation Measure 10-07, paragraphs 22(iii) and (iv), raised

serious doubts concerning the legal consequences of the actions described in those paragraphs. The actions proposed in the text involved the problem of civil liability borne by the authorities of a Contracting Party for any possible precautionary measures they adopt, if it is impossible to prove the legal grounds that motivated them. It must be remembered that those real cases where it was shown that some actions undertaken applying the same criteria currently used to compile IUU vessel lists, have not been endorsed by the Courts of Justice, resulting in adverse and undesirable consequences for the objectives we strive to achieve. Therefore, given that the actions proposed in the draft conservation measures certainly carry these risks, Uruguay is unable to make a statement on this initiative without a prior and thorough evaluation of the possible undesirable consequences of the aforesaid actions by the competent legal services of Uruguay.

12.15 Namibia made the following statement with regard to the adoption of CCAMLR Conservation Measure 10-07 (2006), paragraph 22(iv)b(ii):

‘The Namibian Delegation at CCAMLR-XXV wishes to advise that the amendment to CCAMLR Conservation Measure 10-07 was amended in haste and without having consideration to inclusivity. It is in the opinion of the Namibian Delegation that appropriate consultation with potential stakeholders in Port States would have resulted in a broader conservation measure generally acceptable by all.

Conservation Measure 10-07 has, for example, fallen short of taking into consideration any legal prior contractual arrangement or legitimate mutually, beneficially, commercially joint ventures entered into in Port States. It is the opinion of the Namibian Delegation at CCAMLR-XXV that any forceful implementation of Conservation Measure 10-07 without taking into consideration domestic laws and regulations or to belittle the provisions of the international law with regard to the special needs and requirements of developing Contracting Parties Coastal States is likely to have far-reaching social-economic implications on the certain maritime related activities in those Port States.’

12.16 Australia expressed concern at Namibia’s statement and urged Namibia to ensure that it complied with all CCAMLR conservation measures and did not participate in any activities which undermine the Convention.

12.17 The Commission considered further amendments to Conservation Measure 10-07 proposed by SCIC (Annex 5, paragraphs 3.33 and 3.44; CCAMLR-XXV/44). It was unable to reach agreement on those amendments. The Commission encouraged Members to further develop the draft amendments during the intersessional period, taking account of the discussions at SCIC and during CCAMLR-XXV and comments provided by Members. The Commission hoped that it could make further progress on this matter at its next meeting.

General fishery matters

12.18 The Commission agreed that any future proposal to conduct bottom trawling in high-seas areas of the Convention Area will need to be notified in accordance with the notification procedure for new fisheries. In addition, it agreed that any future notifications of new or exploratory fisheries using bottom trawl gear would need to provide information on

the known and anticipated impacts of this gear on vulnerable marine ecosystems, including benthos and benthic communities. Accordingly, notification procedures for new fisheries and exploratory fisheries were revised and adopted as Conservation Measures 21-01 (2006) and 21-02 (2006) respectively.

Fishery regulations

12.19 The Commission agreed to include a new element on environmental protection in all fishery measures in force in 2006/07 (see paragraph 12.33). Accordingly the Commission included the new element in Conservation Measures 41-03, 51-01, 51-02 and 51-03. The revised Conservation Measures 41-03 (2006), 51-01 (2006), 51-02 (2006) and 51-03 (2006) were adopted.

Revised resolutions

12.20 The Commission agreed to revise Resolution 22/XXIII on international actions to reduce the incidental mortality of seabirds arising from fishing. The revision further enhanced cooperation with other RFMOs on effective seabird by-catch mitigation measures (paragraph 5.16). The revised resolution was adopted as Resolution 22/XXV.

New conservation measures

Compliance

12.21 The Commission endorsed SCIC's recommendation to introduce a new scheme to promote compliance by Contracting Party nationals with CCAMLR conservation measures (paragraph 7.14 and Annex 5, paragraph 3.54). The scheme, based on similar measures already in force in other fora, would be binding on Contracting Parties from 1 July 2008. The Commission adopted a new Conservation Measure 10-08 (2006).

12.22 Russia advised that it reserved the right not to be limited to the time frame mentioned in paragraph 3 of the new Conservation Measure 10-08 for the full implementation of the measure. Russia also advised that it was ready for cooperation and exchange of experience on this issue and did not exclude the possibility of changing its position regarding its reservation.

12.23 The USA indicated that any non-acceptance in whole or in part of a conservation measure adopted at this meeting would have to be notified in accordance with Article IX of the Convention.

General fishery matters

Notifications

12.24 The Commission noted its decision to obtain advance notification of the intention of Contracting Parties to fish for krill in the Convention Area (CCAMLR-XXII, paragraphs 4.37 to 4.39). In light of increasing interest in the krill fishery (paragraphs 4.26 and 4.34) and concerned that its ability to manage the krill fishery in accordance with Article II is dependent on obtaining early notification of all fishing activity for krill, the Commission agreed to implement a notification procedure for krill fisheries. The Commission adopted a new Conservation Measure 21-03 (2006).

12.25 In accordance with this conservation measure, Contracting Parties intending to participate in a krill fishery are required to notify the Secretariat of their intent not less than four months in advance of the Commission's regular annual meeting. The deadline of four months was chosen to allow sufficient time for notifications to be considered by the Scientific Committee and WG-EMM during their regular annual meetings.

Gear regulation

12.26 The Commission endorsed the recommendations of SCIC (Annex 5, paragraph 3.51; CCAMLR-XXV/45) and the Scientific Committee (SC-CAMLR-XXV, paragraphs 4.212 and 4.213) on the introduction of an interim ban on the use of deep-water gillnets, for purposes other than scientific research, in the Convention Area. The Commission agreed that the use of gillnets for scientific research in waters shallower than 100 m shall be permitted subject to the requirements of Conservation Measure 24-01. It was also agreed that the proposals for the use of gillnets for scientific research in waters deeper than 100 m shall be notified in advance to the Scientific Committee and be approved by the Commission before such research can commence. Accordingly, the Commission adopted a new Conservation Measure 22-04 (2006) on the interim prohibition of deep-sea gillnetting.

12.27 The Commission also agreed that any vessel seeking to transit the Convention Area carrying gillnets must give advance notice to the Secretariat of its intent, including the expected dates of its passage through the Convention Area. It was also agreed that any vessel in possession of gillnets within the Convention Area which has not given such advance notice shall be in breach of this conservation measure.

12.28 The Commission agreed to an interim freeze of the footprint of bottom-trawl fishing in the high-seas areas of the Convention Area, in order to allow time for the Scientific Committee to review the known and anticipated impacts of this fishing method on vulnerable marine ecosystems, including benthos and benthic communities (paragraphs 11.27 to 11.33). Accordingly, the Commission agreed to restrict the use of bottom trawling gear in high-seas areas in 2006/07 and 2007/08, and to review this restriction in 2007. The Commission adopted this new measure as Conservation Measure 22-05 (2006).

Environmental protection

12.29 The Commission further considered a proposal to consolidate the environmental protection-related provisions of the fishery measures into a single conservation measure. Following the Commission's decision last year (CCAMLR-XXIV, paragraph 11.101), the Secretariat had illustrated the application of the draft environmental measure proposed in CCAMLR-XXIV/34 along with consequent changes to fishery-related conservation measures in force (CCAMLR-XXV/10).

12.30 The draft environmental measure comprised four sections describing the:

- disposal of plastic packaging bands – this section was taken *verbatim* from Conservation Measure 25-01;
- dumping of offal – this section was based on the requirements in conservation Measures 25-02 (paragraphs 5 and 6) and 25-03 (paragraph 3);
- prohibition of discharge in high-latitude fisheries – this section was taken from conservation measures for high-latitude fisheries (e.g. Conservation Measure 41-04, paragraphs 7 and 13);
- translocation of poultry – this section was also taken from conservation measures for high-latitude fisheries (e.g. Conservation Measure 41-04, paragraph 14).

12.31 The Commission agreed that the requirements for offal dumping, which had been developed in Conservation Measures 25-02 and 25-03, were an integral part of the measures for minimising the incidental mortality of seabirds. It was agreed that these requirements should remain in those measures. The Commission noted that the prohibition of discharge in high-latitude fisheries, proposed in the draft conservation measure, included the discharge of offal south of 60°S.

12.32 The Commission agreed on a revised environmental measure which described the requirements for the disposal of plastic packaging bands, prohibition of discharge in high-latitude fisheries and translocation of poultry and poultry products. The Commission adopted this new measure as Conservation Measure 26-01 (2006).

12.33 The Commission agreed that the requirements of Conservation Measure 26-01 applied to all fisheries in the Convention Area. Accordingly, the Commission agreed to include a new element on environmental protection in all fishery conservation measures in force in 2006/07.

12.34 The Commission agreed to add this new element to the new fishery measures adopted in 2006 as well as the fishery measures which were revised in 2006 (see paragraph 12.19).

12.35 The prohibition of discharge in high-latitude fisheries in Conservation Measure 26-01 applies to vessels fishing south of 60°S and includes offal. For fisheries operating north of 60°S and where offal discharge was prohibited in 2005/06 and previous seasons, the Commission agreed to retain this requirement. Consequently, a fishery-wide prohibition on offal discharge was retained in the exploratory fisheries in Subarea 48.6 (Conservation Measure 41-04) and Division 58.4.1 (Conservation Measure 41-11).

12.36 Noting that the requirements for the disposal of plastic packaging bands have been transferred to Conservation Measure 26-01, the Commission agreed that Conservation Measure 25-01 be rescinded.

Fishing seasons, closed areas and prohibition of fishing

12.37 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 2006/07 season, and the Commission adopted Conservation Measure 32-09 (2006).

12.38 The Commission endorsed SCIC's recommendation to prohibit directed fishing on shark species in the Convention Area, other than for scientific research purposes (Annex 5, paragraph 3.52; CCAMLR-XXV/35). The Commission agreed that this prohibition shall apply until such time as the Scientific Committee has investigated and reported on the potential impacts of this fishing activity and the Commission has agreed on the basis of advice from the Scientific Committee that such fishing may occur in the Convention Area. It was also agreed that any by-catch of shark, especially juveniles and gravid females, taken accidentally in other fisheries, shall, as far as possible, be released alive. Accordingly, the Commission adopted a new Conservation Measure 32-18 (2006) on the conservation of sharks.

12.39 The USA stated that it believed the issue of management of shark-related fisheries, with a particular focus on the practice of shark-finning, is an important one for CCAMLR to consider, and thanked France for bringing forth a draft conservation measure on the issue. The USA noted that it has enacted legislation and regulations banning the practice of shark-finning, and has been using educational efforts and enforcement actions to ensure that US-flagged vessels, and foreign vessels making US port calls, comply with the statutory ban on retaining shark fins without retention of the shark carcasses to the first point of landing. The USA expressed hope that efforts reviewed by the Scientific Committee would yield analysis of the stock abundance, shark by-catch levels and other important biological data of the shark species of the Southern Ocean. It believed this conservation measure is an important first step to an eventual ban on the practice of shark-finning without utilisation of the shark carcasses. The USA also mentioned that there is a need for future efforts to collect information on the extent of shark-finning in the Convention Area and the amount of trade/transshipment through ports of Contracting and Non-Contracting parties. The USA urged all Contracting Parties to prepare and submit their respective National Plans of Action for the Conservation and Management of Sharks to the FAO Committee on Fisheries, as set forth in the International Plan of Action for the Conservation and Management of Sharks, if they have not done so already.

By-catch limits

12.40 The Commission noted that the Scientific Committee had been unable to provide new advice on by-catch catch limits (paragraphs 4.66 and 4.67).

12.41 The Commission agreed to apply the existing by-catch catch limits in Division 58.5.2 in the 2006/07 season. Accordingly, Conservation Measure 33-02 (2006) was adopted.

12.42 The Commission agreed to apply the existing by-catch catch limits for exploratory fisheries in the 2006/07 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, and to retain the move-on rules. Accordingly, Conservation Measure 33-03 (2006) was adopted.

Toothfish

12.43 The Commission agreed to revise the requirements of the tagging program outlined in Annex 41-01/C of Conservation Measure 41-01 to clarify the roles and responsibilities of vessels and observers (paragraph 4.49), increase the tagging rate in some fisheries (paragraph 4.49), improve data recording and reporting, incorporate the new Secretariat-based coordination of the tagging program to be implemented in 2007 (paragraph 4.50); and reaffirm that fish which are tagged and released are not counted against catch limits (paragraph 4.49). The revised Conservation Measure 41-01 (2006) was adopted.

12.44 As part of the revision of Annex 41-01/C, the Commission requested that the Secretariat modify the data forms used for catch and effort reporting and the Tagging Protocol as follows:

- expand the data field ‘number released alive’ in the catch and effort reporting form to allow accurate reporting of the number of fish tagged and released alive;
- add a data field in the Tagging Protocol to record the fate of tagged fish on release.

12.45 The Commission requested that all Members involved in exploratory fisheries in 2006/07 use the latest version of data forms (available from the CCAMLR website).

12.46 The Commission agreed to revise the limits on the fishery for *D. eleginoides* in Subarea 48.3 (paragraph 4.54). The revised catch limit for *D. eleginoides* was 3 554 tonnes which was divided amongst the Management Areas A (0 tonnes), B (1 066 tonnes; 30% of the catch limit) and C (2 488 tonnes; 70% of the catch limit). The Commission agreed to by-catch catch limits of 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. The Commission adopted Conservation Measure 41-02 (2006).

12.47 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 48.6 in 2006/07 would be limited to Japanese, Korean, New Zealand and Norwegian flagged vessels using longlines only, and that no more than one vessel per country shall fish at any one time. The Commission also endorsed the Scientific Committee’s recommendation that the Japanese-flagged vessel *Shinsei Maru No. 3* be exempted from the requirement to conduct longline sink rate tests outside the Convention Area when fishing at the end of the 2005/06 season and into the 2006/07 season, provided that the vessel conducted regular longline sink rate testing in 2005/06 (SC-CAMLR-XXV, paragraph 5.54). Other elements

regulating this fishery, including the tagging rate for *Dissostichus* spp. of one fish per tonne of green weight caught, were carried forward. The Commission adopted Conservation Measure 41-04 (2006).

12.48 The Commission recalled its discussion on increasing the tagging rate for *Dissostichus* spp. in this fishery from one fish per tonne of green weight caught to three fish per tonne (paragraphs 11.7 to 11.9). The Commission urged all notifying Members to strive towards achieving a minimum tagging rate of three fish per tonne in Subarea 48.6.

12.49 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.1 in 2006/07 would be limited to one (1) Australian, two (2) Korean, one (1) Namibian, three (3) New Zealand, one (1) Spanish and one (1) Uruguayan flagged vessels using longlines only. The Commission also agreed to increase the tagging rate for *Dissostichus* spp. to a minimum of three fish per tonne of green weight caught (paragraph 11.6). Other elements regulating this fishery were carried forward. Conservation Measure 41-11 (2006) was adopted.

12.50 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.2 in 2006/07 would be limited to one (1) Australian, three (3) Korean, one (1) Namibian, two (2) New Zealand, one (1) Spanish and one (1) Uruguayan flagged vessels using longlines only. The Commission also agreed to increase the tagging rate for *Dissostichus* spp. to a minimum of three fish per tonne of green weight caught (paragraph 11.6). Other elements regulating this fishery were carried forward. Conservation Measure 41-05 (2006) was adopted.

12.51 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3a in 2006/07 would be limited to Japanese, Korean 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, including the tagging rate for *Dissostichus* spp. of one fish per tonne of green weight caught, were carried forward. Conservation Measure 41-06 (2006) was adopted.

12.52 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3b outside areas of national jurisdiction in 2006/07 would be limited to Australian, Japanese, Korean, Namibian, 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, including the tagging rate for *Dissostichus* spp. of one fish per tonne of green weight caught, were carried forward. Conservation Measure 41-07 (2006) was adopted.

12.53 Australia noted the failure of vessels engaged in exploratory fishing for *Dissostichus* spp. in Division 58.4.3b in 2005/06 to undertake research that would assist in assessments of the status of stocks in that division. In light of the request by the Scientific Committee for urgent consideration of these issues, Australia expressed concern that the Commission was unable to agree to include in the adopted Conservation Measure 41-07 provisions for a structured research program to assist in such assessments, notably by providing for accelerated tagging rates, and for ensuring adequate spatial coverage of research activities. Australia noted the advice of the Scientific Committee (SC-CAMLR-XXV, paragraphs 4.190 to 4.192) and indicated that without such provisions being included in Conservation

Measure 41-07, those Members that do fish in Division 58.4.3b in 2006/07 must ensure that their licensed vessels provide contributions on all the elements of scientific work requested in paragraph 4.191 of SC-CAMLR-XXV.

12.54 The Commission agreed to revise the limits on the fishery for *D. eleginoides* in Division 58.5.2 (paragraph 4.54). The revised catch limit for *D. eleginoides* was 2 427 tonnes which was applicable west of 79°20'E. The Commission also endorsed the Scientific Committee's recommendation to extend the season for longlining to allow fishing with integrated weighted line gear from 15 to 30 April (SC-CAMLR-XXV, paragraphs 5.49 to 5.53). It was agreed to apply a total catch limit of three seabirds per vessel throughout the season extensions, and to require two scientific observers on board vessels fishing during the period from 15 to 30 April. Other elements regulating this fishery were carried forward. Conservation Measure 41-08 (2006) was adopted.

12.55 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.1 in 2006/07 would be limited to two (2) Argentine, three (3) Korean, four (4) New Zealand, one (1) Norwegian, two (2) Russian, one (1) South African, one (1) Spanish, two (2) UK and five (5) Uruguayan flagged vessels using longlines only.

12.56 The Commission agreed to deduct the 10-tonne research exemption in each of the four SSRUs with zero catch limit (SSRU A, D, E, and F) from the catch limit for *Dissostichus* spp. in Subarea 88.1 (paragraph 11.21). The revised catch limit for *Dissostichus* spp. in Subarea 88.1 was 3 032 tonnes which was divided amongst SSRUs as follows:

SSRU A:	0 tonnes (closed)
SSRUs B, C and G (northern):	356 tonnes total
SSRU D:	0 tonnes (closed)
SSRU E:	0 tonnes (closed)
SSRU F:	0 tonnes (closed)
SSRUs H, I and K (slope):	1936 tonnes total
SSRU J:	564 tonnes
SSRU L:	176 tonnes.

12.57 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 were explicitly stated in Conservation Measure 41-09.

12.58 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, and that the catches taken in these SSRUs would not be considered as part of the overall catch limit. The Commission also agreed to increase the tagging rate for *Dissostichus* spp. to a minimum of three fish per tonne of green weight caught in these SSRUs (paragraph 11.6). Conservation Measure 41-09 (2006) was adopted.

12.59 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.2 in 2006/07 would be limited to two (2) Argentine, four (4) New Zealand, one (1) Norwegian, two (2) Russian, one (1) Spanish, two (2) UK and four (4) Uruguayan flagged vessels using longlines only.

12.60 The Commission agreed to deduct the 10-tonne research exemption in each of the two SSRUs with zero catch limit (SSRU A and B) from the catch limit for *Dissostichus* spp. in Subarea 88.2 (paragraph 11.21). The revised catch limit for *Dissostichus* spp. in Subarea 88.2 was 547 tonnes which was divided amongst SSRUs as follows:

SSRU A:	0 tonnes (closed)
SSRU B:	0 tonnes (closed)
SSRUs C, D, F and G:	206 tonnes total
SSRU E:	341 tonnes.

12.61 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 were explicitly stated in Conservation Measure 41-10.

12.62 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 and B, and that the catches taken in these SSRUs would not be considered as part of the overall catch limit. The Commission also agreed to increase the tagging rate for *Dissostichus* spp. to a minimum of three fish per tonne of green weight caught in these SSRUs (paragraph 11.6). Conservation Measure 41-10 (2006) was adopted.

Icefish

12.63 The Commission agreed to revise the limits on the fishery for *C. gunnari* in Subarea 48.3 (paragraph 4.59). It agreed a catch limit of 4 337 tonnes for the 2006/07 season, and to a catch limit during the spawning period (1 March to 31 May) of 1 084 tonnes (25% of the total catch limit for the season). The Commission endorsed the Scientific Committee's recommendation that vessels in this fishery be encouraged to use net binding as a means to reduce seabird interaction and potential incidental mortality (SC-CAMLR-XXV, paragraph 5.17 and Annex 5, Appendix D, paragraph 59). Other elements regulating this fishery were carried forward, and Conservation Measure 42-01 (2006) was adopted.

12.64 The Commission agreed to revise the limits on the fishery for *C. gunnari* in Division 58.5.2 (paragraph 4.59). The Commission agreed a catch limit of 42 tonnes for the 2006/07 season. Other elements regulating this fishery were carried forward and Conservation Measure 42-02 (2006) was adopted.

Krill

12.65 The Commission noted that the Scientific Committee had used the results of the recent Australian BROKE-West acoustic krill biomass survey to revise the precautionary catch limit for krill in Division 58.4.2 to 1.49 million tonnes (SC-CAMLR-XXV, paragraph 3.18).

12.66 Australia indicated that the scientific data supported this large increase in the precautionary catch limit for krill in Division 58.4.2 from 450 000 tonnes to 1.49 million tonnes. However, Australia believed that such a large increase required the inclusion of other

elements in the conservation measure in order to facilitate the orderly and precautionary development of the fishery. The additional management measures included subdivision of the catch, the placement of scientific observers and the utilisation of VMS to provide for the effective management of a krill fishery with such a large catch limit and to bring the fishery in line with other fisheries in the Convention Area. Australia agreed to present a discussion paper for consideration by the Commission at its meeting in 2007. The paper will be provided in advance of the meeting of WG-EMM in order that issues relevant to the Scientific Committee can be considered and subsequent advice can be passed on to the Scientific Committee and SCIC for their consideration and comment.

12.67 Other Members supported the Scientific Committee's advice and agreed that the precautionary catch limit for krill in Division 58.4.2 be revised to 1.49 million tonnes.

12.68 Furthermore, those Members emphasised that specific and scientific proposals regarding conservation measures, such as the Australian proposal, should be discussed first in appropriate committees rather than proposed directly to the Commission.

12.69 The Commission was unable to agree on a revision of the limit for the krill fishery in Division 58.4.2 (see also paragraphs 12.19 and 12.33). The Commission noted that the estimation of biomass and γ for krill in Areas 48 and 58 would be reviewed by the Scientific Committee and WG-EMM in 2007 (SC-CAMLR-XXV, paragraph 3.26). The Commission hoped to make further progress on this matter at its next meeting.

Crab

12.70 The Commission carried forward the measures for the crab fishery in Subarea 48.3 in 2006/07 (paragraph 4.64). Conservation Measures 52-01 (2006) and 52-02 (2006) were adopted.

Squid

12.71 The Commission carried forward the measure for the exploratory jig fishery for *M. hyadesi* in Subarea 48.3 in 2006/07 (paragraph 4.65). Conservation Measure 61-02 (2006) was adopted.

New resolutions

12.72 The Commission adopted Resolution 25/XXV on combating IUU fishing in the Convention Area by the flag vessels of non-Contracting Parties.

CCAMLR System of Inspection

12.73 The Commission revised the text of the System of Inspection which is published in the *Schedule of Conservation Measures in Force*. The revisions:

- clarified the terminology of ‘Designating State’ and ‘Designating Member’ (Annex 5, paragraph 3.47);
- allowed inspection reports submitted by the inspectors of Designating Members to be treated on the same basis as reports submitted by Flag State inspectors (Annex 5, paragraph 3.46).

12.74 The Commission noted that SCIC had established an intersessional working group to consider further revisions to the System of Inspection (Annex 5, paragraph 3.48).

Development of other compliance measures

12.75 The Commission noted that SCIC had considered a draft measure on the use of trade measures to promote compliance (paragraph 7.10 and Annex 5, paragraph 3.55; SCIC-06/13) and draft measure to combat IUU fishing by non-Contracting Party flagged vessels in the Convention Area (paragraph 7.14 and Annex 5, paragraph 3.56; CCAMLR-XXV/44).

12.76 The Commission recognised that these draft measures had the potential to enhance the suite of compliance measures used to combat IUU fishing. The Commission encouraged Members to further develop these draft measures during the intersessional period, taking account of the discussions at SCIC and during the drafting group meetings and comments provided by Members. The Commission hoped that it could make further progress on these matters at its next meeting. The draft proposal for a conservation measure concerning the adoption of trade measures to promote compliance is appended (Annex 9; see also Annex 5, paragraph 3.55).

General

12.77 The Commission noted that a copy of the adopted conservation measures and resolutions, with highlighted changes and revisions agreed at this meeting, will be available from the Secretariat, on request, in late November.

12.78 Spain made the following statement:

‘The principal responsibility on IUU fishing is of the Flag State of the vessel, according to international law.

When States do not assume their responsibilities in exercising control on their vessels, they behave as flags of convenience.

The identification of such Flag States and the adoption of agreed international actions is of primary importance.

Spain hopes that we all keep our compromise of continuing our work together and be able in the near future to deliver a clear message to the international community: dissuading States of becoming flags of convenience and giving illegal operators the shelter they need to conduct illegal fishing.’

12.79 The Republic of Korea stated that the issue of IUU fishing activities of vessels of both Contracting and non-Contracting Parties had been discussed by the Commission over the past several years. Swift action against those Parties is required to secure the Commission's objectives. Otherwise, the inability to do so would jeopardise the international credibility of the Commission.

12.80 The Republic of Korea had recently confiscated 266 tonnes of *Dissostichus* spp. of IUU-caught toothfish and advised the Commission that many nationalities were involved in the harvest, transportation and trade of the seized catch, including nationals and companies of CCAMLR Members.

12.81 The Republic of Korea said that it was regrettable that some Members were not in a position this year to adopt a trade measure to promote compliance with conservation measures and eliminate IUU fishing.

12.82 The Commission congratulated the Republic of Korea for its actions taken on the seizure of IUU-caught toothfish and agreed that Members should undertake all measures required in order to prohibit international trade of IUU-caught toothfish.

12.83 Argentina recalled that the Commission should not legislate for areas outside the Convention Area.

12.84 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. Unauthorised or illegal fishing in these waters is a serious offence under Australian law. 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. Presently, fishing concessions are fully subscribed and no further concessions for legal fishing in the EEZ are available. Australian legislation provides 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.