

IMPLEMENTATION AND COMPLIANCE

Report of SCIC

8.1 The meeting of SCIC was held from 22 to 26 October 2007 and chaired by Ms V. Carvajal (Chile). All attending Members of the Commission and observers participated in the meeting.

8.2 The SCIC Chair presented the Committee's report (Annex 5) and drew the Commission's attention to a number of recommendations. The Commission's deliberations on SCIC's recommendations on implementation and compliance matters are provided in the paragraphs below. The Commission's deliberations on SCIC's recommendations on CDS, IUU fishing and the Scheme of International Scientific Observation are provided in sections 9, 10 and 11 respectively.

Compliance with conservation measures

8.3 The SCIC Chair reported that SCIC had considered all the information submitted by Members and collated by the Secretariat on the implementation of, and compliance with, conservation measures in force (CCAMLR-XXVI/BG/13 Rev. 2 and BG/17).

8.4 The SCIC Chair reported that CCAMLR inspectors designated by Members had conducted 27 at-sea inspections during the 2006/07 season and that one case of non-compliance with seabird mitigation measures had been reported (Annex 5, paragraph 2.1).

8.5 The Chair of SCIC also drew the Commission's attention to a number of incidents of failure to comply with requests to conduct inspections under the System of Inspection (Annex 5, paragraphs 2.3 and 2.10).

8.6 The Commission noted that some Members had failed to submit licence notifications for their flag vessels fishing in the Convention Area during the 2006/07 season as required under Conservation Measure 10-02 (Annex 5, paragraphs 2.15, 3.28 and 3.29).

8.7 SCIC also received and considered several proposals from Members on strengthening the System of Inspection (Annex 5, paragraphs 2.59 and 2.60).

8.8 In considering SCIC's report, the Commission agreed that:

- (i) Members should be encouraged to actively participate in the System of Inspection;
- (ii) C-VMS data submitted by Members voluntarily for their flag vessels fishing outside the Convention Area should be treated in accordance with existing rules of access for C-VMS data and cannot be released to any surveillance operations;
- (iii) a method proposed by the Secretariat should be used to identify and correct errors in positions reported in fine-scale and observer data via comparison with C-VMS data;

- (iv) Contracting Parties may request VMS data for their own flag vessels from the Secretariat;
- (v) the list of vessels licensed to fish in the Convention Area should be placed on a public-access section of the CCAMLR website.

8.9 The Commission noted the advice of SCIC and the Scientific Committee regarding the implementation of fish tagging requirements in accordance with Conservation Measure 41-01. It also noted various comments from Flag States in that respect (CCAMLR-XXV, Annex 5, paragraphs 5.8 and 5.9; SC-CAMLR-XXVI, Annex 5, Table 5).

8.10 The Commission also noted that some vessels in 2006/07 had not met the requirements for: (i) offal discharge, (ii) discarding of hooks, (iii) conducting bottle tests on line sink rates, and (iv) the use of net sonde cables (SC-CAMLR-XXVI, paragraph 5.16). In addition, some vessels had discharged oil, gear, debris and inorganic garbage (Annex 5, paragraph 6.4; SC-CAMLR-XXVI, paragraph 5.15) in contravention of Conservation Measure 26-01.

8.11 The Commission agreed that the Secretariat be requested to conduct a retrospective analysis of scientific observer data related to the implementation of Conservation Measures 25-02, 25-03 and 26-01 to identify whether there is consistency in non-compliance events between vessels and seasons (SC-CAMLR-XXVI, paragraphs 4.115, 4.117 and 4.118). Results of the analysis will be considered by SCIC in 2008 (Annex 5, paragraph 6.5).

8.12 The Commission requested the Secretariat to annually prepare and submit a table for SCIC's consideration containing data on individual *Dissostichus* spp. tagged and released, and the tagging rate reported by vessels operating in exploratory fisheries.

8.13 The Commission noted that SCIC had prepared drafts of a number of new and revised conservation measures and resolutions for the Commission to consider so as to:

- (i) amend Conservation Measure 10-04 to include krill fisheries in VMS reporting;
- (ii) adopt a new measure for clarifying the obligation of Flag States and their vessels regarding the closure of fisheries;
- (iii) amend the System of Inspection to clarify that it applies to Members and Contracting Parties.

8.14 The Commission adopted the proposals from SCIC as set out in paragraph 8.13 in regard to Conservation Measures 10-04 and 31-02 and the modification to the System of Inspection.

8.15 SCIC had also discussed a number of other revised and new conservation measures and resolutions to be forwarded to the Commission for consideration, including:

- (i) measures on orderly development of the krill fishery;
- (ii) amending Conservation Measure 10-02 to improve safety standards for Convention Area vessels;

- (iii) amending Conservation Measures 10-06 and 10-07 in order for CCAMLR to formally recognise the IUU Vessel Lists of other organisations;
- (iv) the adoption of a trade measure to promote compliance;
- (v) revising the System of Inspection to take account of proposals received in addition to the amendment mentioned in paragraph 8.13.

8.16 In respect of the above proposal to amend Conservation Measures 10-06 and 10-07, Argentina expressed its appreciation to Norway for its contribution and pointed out that neither the elaboration nor the acceptance of IUU vessel lists can be regarded as existing customary law. Membership in organisations is not identical and States have negotiated in each case on a specific basis. In this context there is neither a State practice nor *opinio juris*.

8.17 The new and revised measures and resolutions adopted by the Commission are discussed in paragraphs 13.6 to 13.9 and 13.28 to 13.39.

Compliance evaluation procedure

8.18 The Commission endorsed a SCIC recommendation that a Workshop on the Development of a Compliance Evaluation Procedure (DOCEP) be convened (Annex 5, paragraphs 2.41 and 2.42). The workshop should consider the terms of reference of the intersessional group as identified by the Commission (CCAMLR-XXV, Annex 5, paragraph 3.34).

8.19 The Commission agreed that the current DOCEP group should continue its work in the forthcoming intersessional period with a view to preparing for and conducting the above workshop in 2009 in conjunction with WG-EMM. The group and the workshop will be co-convened by Ms T. Frantz (South Africa) and Ms K. Smith (Australia).