

CONSERVATION MEASURES

13.1 Conservation measures adopted at CCAMLR-XXVI will be published in the *Schedule of Conservation Measures in Force 2007/08*.

Review of existing conservation measures and resolutions

13.2 The Commission noted that the following conservation measures will lapse on 30 November 2007: 32-09 (2006), 33-02 (2006), 33-03 (2006), 41-01 (2006), 41-02 (2006), 41-04 (2006), 41-05 (2006), 41-06 (2006), 41-07 (2006), 41-08 (2006), 41-09 (2006), 41-10 (2006), 41-11 (2006), 42-02 (2006), 52-01 (2006), 52-02 (2006) and 61-01 (2006). The Commission also noted that Conservation Measure 42-01 (2006) will lapse on 14 November 2007. All of these measures dealt with fishery-related matters for the 2006/07 season.

13.3 The Commission agreed that the following conservation measures² will remain in force in 2007/08:

Compliance

10-01 (1998), 10-03 (2005), 10-05 (2006), 10-06 (2006), 10-07 (2006) and 10-08 (2006).

General fishery matters

21-01 (2006), 21-02 (2006), 22-01 (1986), 22-02 (1984), 22-03 (1990), 22-04 (2006), 22-05 (2006), 23-01 (2005), 23-02 (1993), 23-03 (1991), 23-04 (2000), 23-05 (2000), 24-01 (2005), 24-02 (2005), 25-03 (2003) and 26-01 (2006).

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), 32-18 (2006), 33-01 (1995), 41-03 (2006) and 51-02 (2006).

Protected areas

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

13.4 The Commission agreed that Conservation Measure 91-03 (2004) be rescinded (see paragraph 7.2).

13.5 The Commission agreed that the following resolutions will remain in force in 2007/08: 7/IX, 10/XII, 14/XIX, 15/XXII, 16/XIX, 17/XX, 18/XXI, 19/XXI, 20/XXV, 21/XXIII, 22/XXV, 23/XXIII and 25/XXV.

² Reservations to these measures are given in the *Schedule of Conservation Measures in Force in 2006/07*.

Revised conservation measures

13.6 The Commission revised the following conservation measures²:

Compliance

10-02 (2006) and 10-04 (2006).

General fishery matters

21-03 (2006), 23-06 (2005) and 25-02 (2005).

Fishery regulations

51-01 (2006) and 51-03 (2006).

Compliance

13.7 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 provide minimum safety standards for all fishing vessels operating in the Convention Area (paragraph 8.15). The revised Conservation Measure 10-02 (2007) was adopted.

13.8 The Commission endorsed SCIC's recommendation to amend Conservation Measure 10-04 (Automated satellite-linked vessel monitoring systems) to include krill fisheries in VMS reporting (paragraph 8.13). The revised Conservation Measure 10-04 (2007) was adopted.

13.9 The Commission noted the discussions at SCIC, and subsequently in the Conservation Measures Drafting Group in respect of amending Conservation Measures 10-06 (Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures) and 10-07 (Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures) to formally recognise the IUU Vessel Lists of other organisations (paragraph 8.15). Significant progress had been made during the meeting; however, Members were unable to finalise an agreed revision. The Commission encouraged Members to continue consultation during the intersessional period and agreed to reconsider a revision at CCAMLR-XXVII.

General fishery matters

Notification of intent to participate in a krill fishery

13.10 Before adoption of the conservation measures, in particular those for the krill fisheries for the 2007/08 season, New Zealand stated that it recalled the concern expressed by many Members in respect of the Cook Islands notification to conduct pair trawling operations in the krill fisheries in the Convention Area in 2007/08. New Zealand also recalled that the Scientific Committee had drawn this notification to the Commission's attention and had

advised that the pair trawling method has not previously been used in the Convention Area (SC-CAMLR-XXVI, paragraph 4.12). The Scientific Committee also advised that the Secretariat had not established data collection and analysis methods from pair trawling.

13.11 New Zealand stated, therefore, that the use of the pair trawling method in the Convention Area would constitute a new fishery according to Conservation Measure 21-01 which specifies that a new fishery is a fishery on a species using a particular method in a statistical subarea for which, *inter alia*, catch and effort data have never been submitted to CCAMLR. Therefore it is not possible for the Commission to deal with the notification from the Cook Islands at this meeting. If any proposal to conduct pair trawling operations in the Convention Area is to be considered by the Commission, it is necessary for a notification to be made to the Commission at a future meeting in accordance with the requirements of Conservation Measure 21-01.

13.12 New Zealand stated that the requirements of such a notification include biological information from comprehensive research or survey cruises and the details of dependent and associated species and the likelihood of them being affected by the proposed fishery – a point that is especially relevant in the case of pair trawling which is associated with serious by-catch problems in other fisheries.

13.13 New Zealand stated that, alongside other Members of the Commission, it is concerned to see the orderly development of the krill fishery. New Zealand is particularly mindful of the advice of the Scientific Committee that the failure to adequately manage the krill fishery would severely undermine CCAMLR's management of Antarctic marine living resources (SC-CAMLR-XXVI, paragraph 4.15).

13.14 Many Members shared the views expressed by New Zealand in relation to the Cook Islands intention to use a new method of fishing, pair trawls, in the Convention Area.

13.15 The European Community requested that the Cook Islands provide the following additional information:

- (i) details of the provisions to control the activities of its fishing vessels;
- (ii) the current location of notified vessels, and their current fishing activities;
- (iii) the scheme under which the notified vessels were registered (domestic or foreign);
- (iv) the location of the ports where the notified vessels will unload krill;
- (v) whether the notified vessels have been inspected by the Cook Islands' authorities in respect of their operation under the relevant CCAMLR conservation measures.

13.16 In response, the Cook Islands advised the following:

- (i) The marine resources legislation in the Cook Islands is amongst the most modern in the world. It fully implements the requirements of UNCLOS and UNFSA in respect of control of its fishing vessels engaged in harvesting activities on the high seas and beyond areas of national jurisdiction. Companies

are required to enter directly into comprehensive access agreements with Government pursuant to licensing of any vessel to fish in waters beyond national jurisdiction. Conditions of licence include, *inter alia*, the provision for observers, real-time satellite VMS, and comprehensive reporting and inspection requirements. Penalties for contravention of Cook Islands' laws in this regard are severe.

- (ii) Those notified vessels which are flagged in the Cook Islands are currently either in refit or, having recently completed refit, are on their way to fishing grounds in the South Pacific, outside the CAMLR Convention Area.
- (iii) The vessels referred to above are all owned by Cook Islands-registered companies with their registered offices in the Cook Islands. The arrangements between the company and the Cook Islands Government lead to substantial benefits for the Cook Islands, including employment, funding various development projects and assisting in the development of the Cook Islands domestic fisheries.
- (iv) The ports that will be used to discharge catch are not yet known. It is unlikely that Cook Islands ports can be used due to their size being too small for the vessels concerned. The company is required to advise Cook Islands authorities of the port of discharge in sufficient time for inspection to be arranged.
- (v) The vessels are registered in full compliance with Cook Islands law, which gives full and complete effect to all IMO and international fisheries conventions to which the Cook Islands is party. In accordance with the requirements of the law, the vessels have all been subject to inspections by Cook Islands authorities and have been found to be compliant with all relevant domestic and international law and capable of complying with all CCAMLR convention measure requirements.

13.17 The Cook Islands stated that the trawl net used is identical in its dimensions to that used in other midwater trawls within the Convention Area. Other than the absence of trawl doors, necessitating the use of a second vessel to hold the net open at slow speeds, all other aspects are the same.

13.18 The Cook Islands also stated that the notified vessels would tow pair trawls at speeds as low as 1.0 knot, providing greater opportunities for mammals and other untargeted species to avoid getting caught and significantly reducing injury if mammals do encounter the trawl. In addition, a very effective barrier device can be placed in the mouth of the trawl, to ensure mammals and other untargeted species do not enter the trawl. There is every reason to believe that mitigation techniques effective elsewhere will be at least as effective in this type of pair trawling operation.

13.19 The Cook Islands stated that it expressed disappointment that, in spite of the four months that the notification has been sitting with Members, no substantial information was submitted to the Commission in support of the serious reservations expressed by some Members. All of the reservations expressed have been delivered at a very late stage. This has denied the Cook Islands the proper opportunity to address and allay the concerns expressed.

13.20 The Cook Islands stated that it acknowledged the concerns expressed and confirmed that additional scientific and monitoring, control and surveillance measures will be taken in respect of the proposed fishing activities. It did not accept that this is a new fishery in respect of Conservation Measure 21-01. The method employed, midwater trawling, is the same method as currently employed in the fishery, which has already been substantially modified without consequence (continuous fishing, pumping etc). In the absence of any other definition in the Convention or conservation measures and according to FAO, pair trawling is a subtype of a midwater trawl and not a new method.

13.21 The Commission agreed that the introduction of pair trawling for krill in the Convention Area should be considered a new fishery, since there is no information currently available on the impact and selectivity of pair trawls or catch data from the use of that method in the Convention Area. The Commission noted that the Scientific Committee and its working groups will review this matter in 2008 (SC-CAMLR-XXVI, paragraph 14.7). In the meantime it was not possible for the Commission to deal with the notification from the Cook Islands at this meeting.

13.22 The Cook Islands advised that, following instructions from its capital at the time of adoption, it was considering the implication of the Commission's deliberations with a view to the removal of their notifications. The Ministry of Foreign Affairs and Immigration will advise the Commission in writing in due course.

13.23 The Commission also recalled the Scientific Committee's advice that the development of krill fishing in Area 88 or Subarea 48.6 should be considered exploratory fisheries, since only limited information exists on the distribution and abundance of krill or predators (SC-CAMLR-XXVI, paragraphs 3.27 and 3.28).

13.24 The Commission revised Conservation Measures 21-03 (Notification of intent to participate in a fishery for *Euphausia superba*) to clarify the notification procedure and include more detail in the notification form (Annex 21-03/A). The revision also addressed the large discrepancy between notified catches of krill and reported catches during the season notified (paragraph 4.44). In addition, notifications for krill fisheries in Subareas 48.5, 48.6, 88.1, 88.2 and 88.3, where precautionary catch limits are not set, would be considered as exploratory fisheries. The revised Conservation Measure 21-03 (2007) was adopted.

13.25 Japan stated that it was gravely concerned with the increasing discrepancy between notified and reported catches of krill fisheries and the resulting confusion in the discussions of the Commission and the Scientific Committee. As reported in CCAMLR-XXVI/BG/41 Rev. 1, the notified catch in 2006/07 was more than triple the reported catch. In this regard, Japan stated that it was unfortunate that the Commission could not adopt a stronger notification measure for krill fisheries as agreed by the Scientific Committee (SC-CAMLR-XXVI, paragraph 3.46) and Japan wished to discuss the issue further in future meetings. In the meantime, Japan urged all Members intending to engage in krill fisheries to notify expected catches accurately and to the extent possible.

Data reporting

13.26 The Commission agreed to revise Conservation Measure 23-06 (Data reporting system for krill fisheries) to improve the forecasting of closures in krill fisheries by implementing the 10-day catch and effort reporting system when a fishery approached its trigger level. The revised Conservation Measure 23-06 (2007) was adopted.

Mitigation measures

13.27 The Commission agreed to revise Conservation Measure 25-02 (Minimisation of the incidental mortality of seabirds in the course of longline fishing) to provide Spanish longline-system vessel operators with the option of using either traditional weights or steel weights under the agreed line weight regimes (SC-CAMLR-XXVI, paragraph 5.24). The revised Conservation Measure 25-02 (2007) was adopted.

New conservation measures

Compliance

13.28 The Commission noted SCIC's consideration of a new trade measure which had been developed by the European Community (CCAMLR-XXVI/33). The measure had been proposed to augment the measures used by the Commission to combat IUU fishing in the Convention Area (Annex 5, paragraphs 2.62 and 2.63). SCIC had been unable to reach consensus on this proposal (Annex 5, paragraphs 2.64 and 2.72).

13.29 The proposal was further developed during the meeting, and redeveloped in the context of a market-related measure which would be implemented only as a last resort and when other measures had proved unsuccessful in preventing, deterring and eliminating any action which diminished the objectives of conservation measures. All Members but one agreed with this proposal.

13.30 Argentina stated that the imposition of sanctions will have legal implications, particularly in relation to its compatibility with WTO rules. Furthermore, legislating against non-Contracting Parties would constitute a breach of one of the basic principles of international law. A more rigorous application of admonitory measures (non-compliance procedures) in accordance with international law, on the other hand, is the most appropriate way to legally achieve the objectives of the Convention.

13.31 Brazil shared the views as expressed by Argentina. As an attempt to move the discussions forward, Brazil suggested amendments to the European Community proposal that would address Brazil's concerns.

13.32 All Members but one expressed their support for the proposed market-related measure, and thanked the European Community for developing the proposal and holding extensive consultations during the meeting, with the hope of reaching consensus on this matter. All Members but one agreed that the proposed market-related measure would strengthen the

CCAMLR set of conservation measures aimed at preventing, deterring and eliminating IUU fishing in the Convention Area. They recalled that the Commission noted with concern that IUU fishing activities have increased in recent years (paragraph 5.3).

13.33 Members were unable to reach an agreed form of text for this new measure. The Commission urged all Members to continue consultation during the intersessional period, and hoped that it could make further progress on this matter at its next meeting.

13.34 Argentina stated that:

‘While sharing the comments made by other Members at this meeting regarding the impacts of the applications of some conservation measures, Argentina expressed the view that if trade sanctions were to be applied, this would mean that both the Member concerned and CCAMLR have failed to find even the least bit of common ground to achieve compliance within an atmosphere of cooperation. Such a situation should be deemed untenable within the Antarctic Treaty System where cooperation is paramount. Further, since trade sanctions to be applied require consensus, their adoption would require the Member concerned to join such consensus. As this would probably not be the case, other Members would feel tempted to suggest an exception to the consensus rule, a rule which is fundamental to both CCAMLR and the Antarctic Treaty System.

Trade sanctions to be recommended in the framework of a multilateral environmental agreement could certainly become a negative precedent. In such a context, it may be concluded that developing countries would be the most likely to be adversely affected by trade measures. With regard to non-Contracting Parties, Argentina has already expressed its views at CCAMLR-XXVI. It recalled that the relation between trade measures and the environment is an important issue which is still pending within WTO at the Committee on Trade and Environment, in the light of the Doha Ministerial Declaration of 2001. In this upcoming intersessional period, Argentina strongly feels that appropriate progress on this matter needs to be made within the relevant fora.’

13.35 Most Members reiterated their full support of the proposal to adopt market-related measures, which they considered fully in line with the responsibilities of Antarctic Treaty Parties to conserve the Antarctic environment, including the marine ecosystem.

13.36 Most Members also shared the concern that, in the absence of consensus, CCAMLR would have another year of IUU activity without any further development of its ability to address the issue.

13.37 The European Community stated that:

‘It would like to thank all the delegations which contributed to improve the text of the proposal on market-related measures. This text which was tabled by the European Community in 2006, following the provisions included in Conservation Measures 10-06 and 10-07 adopted in 2002, was under the examination of this Commission for two years, and again it remains at its stage of proposal and cannot be adopted as a

conservation measure. This proposal is supported by all CCAMLR delegations but one, and the European Community is disappointed in this situation that, in its view, it is not justified either from a legal or a political point of view.

All CCAMLR delegations took note of the report of the CCAMLR Scientific Committee, which expressed clearly that IUU fishing is undermining “any CCAMLR attempt to provide the basis for fishing to be sustainable”. The Commission is, therefore, not in a position to meet its basic objective, which is the conservation of Antarctic marine living resources, and to guarantee its rational use, and that is determined mainly by the continuous presence of illegal vessels within the CCAMLR area of competence.

It is evident that the conservation measures adopted in previous years are not sufficient to tackle and eliminate these illegal activities, and that is the reason which led the European Community to table a market-related measure, similar to those adopted in other international fora and which have passed the scrutiny of the international community in terms of compatibility with the international law and WTO rules.

It was convinced that to combat IUU, an international organisation, such as CCAMLR, needs an arsenal of tools, and market-related measures are a basic component of this arsenal. The European Community was also convinced that the main reason for the increasing level of IUU catches, notably in certain areas, is mainly due to the possibility for these catches to find a market to be sold.

The international community will be aware of the current CCAMLR situation in terms of illegal fishing activities and our means to combat them. This will undermine our credibility as an organisation, therefore, in order to confirm the CCAMLR leadership in conservation and management of marine living resources, the European Community Delegation asks the CCAMLR delegation which is not in a position to join the consensus to work with the Community and all the other CCAMLR Members in order to find a solution which could be beneficial for the organisation and for the Antarctic ecosystem, through the adoption of this market-related measure proposal at the next plenary session.’

13.38 Argentina stated that:

‘While sharing the suggestion made by the European Community to engage in further discussions in the upcoming intersessional period, Argentina also shares the views expressed by another Member that this is a highly controversial issue, not yet settled within WTO, which requires consideration at appropriate levels and within relevant fora which is necessary to avoid conflicting situations in the future.’

13.39 ASOC stated that:

‘It thanked the European Community for developing a proposal on trade-related measures and for all the efforts deployed at this meeting to reach consensus on this measure. ASOC is deeply concerned by the dramatic increase in IUU fishing in high-seas areas of CCAMLR, and by the wide-spread use of gillnets by IUU vessels. IUU fishing continues to pose a serious threat to toothfish populations and the ecosystem as a whole. IUU fishing continues to successfully exploit the loopholes in

the CCAMLR system and continues to introduce IUU catches into the markets. Flags of convenience, or flags of non-compliance, following the CCAMLR terminology, continue to be used by IUU operators. It is clear that additional measures are needed to deter these activities. ASOC believes that the measures proposed by the European Community are fully consistent with international law and WTO rules (see ASOC's paper CCAMLR-XXVI/BG/26).

After the extensive concern about the impacts of IUU fishing in the Convention Area expressed by CCAMLR Members at this meeting, ASOC is deeply disappointed that the Commission could not reach consensus on this measure this year. ASOC believes that the use of trade-related measures along the lines proposed by the European Community would add a strong deterrent against IUU fishing, and ASOC urges CCAMLR Members to continue working towards the adoption of this measure as a matter of urgency.'

Bottom fishing in the Convention Area

13.40 The Commission noted the significant progress made by the Scientific Committee and SCIC towards developing an approach which addressed the requirements of UNGA Resolution 61/105 (paragraphs 5.9 to 5.20 and Annex 5, paragraphs 8.13 to 8.20). The Scientific Committee had developed a procedure that can be used as the framework for indicating what research and data collection activities might be required at different stages of the process of managing bottom fishing. SCIC had considered a proposal by the USA for a new conservation measure (CCAMLR-XXVI/26).

13.41 The Commission agreed to a new Conservation Measure (22-06) on bottom fishing in the Convention Area. The measure requires all bottom fishing activities in areas specified in the conservation measure, commencing 1 December 2008, to be assessed by the Scientific Committee to determine if such activities would contribute to having significant adverse impacts on VMEs. The measure also implements procedures for where evidence of a VME is encountered in the course of fishing operations.

13.42 The Commission adopted Conservation Measure 22-06 (2007), noting the reservations expressed by France and South Africa for areas under their respective national jurisdiction.

13.43 New Zealand noted the discussion in SC-CAMLR-XXVI, paragraph 4.164, on the need for research and data collection programs to evaluate VMEs and the potential for significant adverse effects and the development of approaches to avoid and mitigate significant adverse impacts of fishing on benthic ecosystems.

13.44 In this light, New Zealand wished to highlight to all Parties their obligations when undertaking bottom fishing in the next year to collect data on captures of benthic species through the existing CCAMLR data requirements (e.g. Conservation Measure 21-02).

13.45 New Zealand, supported by the UK, proposed that the Commission request the Secretariat to prepare a report on all reported by-catch of species associated with VMEs from bottom fishing relevant to the application of Conservation Measure 22-06 to the end of 2006.

This should be prepared prior to the deadline for notifications to assist Contracting Parties in preparing their assessments and to assist the work of the Scientific Committee. These data will be important for the Scientific Committee and its future work.

13.46 The Commission requested that the Scientific Committee provide advice on data research and mitigation requirements for bottom fisheries under Conservation Measure 22-06 in order that the Commission can determine the requirements in the conservation measure for individual bottom fisheries for managing interactions with VMEs.

Closure of fisheries

13.47 The Commission endorsed the advice of SCIC in respect of a proposal by New Zealand for a new conservation measure clarifying the procedures to be followed on the closure of all fisheries (Annex 5, paragraph 2.48; CCAMLR-XXVI/35 Rev. 1). The proposal arose from a request from the Secretariat for guidance from the Commission on the actions required of Flag States and their vessels when CCAMLR fisheries are closed (CCAMLR-XXV/BG/3). The Commission adopted Conservation Measure 31-02 (2007) (General measure on the closure of all fisheries).

General fishery matters

Fishing seasons, closed areas and prohibition of fishing

13.48 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 2007/08 season, and the Commission adopted Conservation Measure 32-09 (2007).

By-catch limits

13.49 The Commission noted that the Scientific Committee had been unable to provide new advice on by-catch limits (paragraph 4.75).

13.50 The Commission agreed to apply the existing by-catch limits in Division 58.5.2 in the 2007/08 season. Accordingly, Conservation Measure 33-02 (2007) was adopted.

13.51 The Commission agreed to apply the existing by-catch limits for exploratory fisheries in the 2007/08 season, taking account of the revised catch limit for *Dissostichus* spp. in Subareas 48.6 and 88.1 and Division 58.4.3b and the consequential changes to by-catch limits in those areas. The Commission also agreed that rajids should be released alive by cutting snoods, and when practical, removing hooks (paragraphs 4.72 and 12.7). It was also agreed to revise the move-on rule for *Macrourus* spp. (paragraph 4.78). Accordingly, Conservation Measure 33-03 (2007) was adopted.

Toothfish

13.52 The Commission agreed to introduce new SSRUs in Subarea 48.6 and Division 58.4.3b (paragraph 12.10):

- the former SSRU A in Subarea 48.6 was divided into two new SSRUs: a new SSRU A west of 1°30'E, and SSRU G east of 1°30'E;
- Division 58.4.3b was divided into two SSRUs: SSRU A north of 60°S, and SSRU B south of 60°S.

13.53 The Commission also agreed to revise the requirements of the tagging program in Annex 41-01/C of Conservation Measure 41-01 to improve the collection of data in exploratory fisheries (paragraph 12.5). Accordingly, Conservation Measure 41-01 (2007) was adopted.

13.54 The Commission agreed to revise the catch limits on the fishery for *D. eleginoides* in Subarea 48.3 (paragraph 4.59). The revised catch limit for *D. eleginoides* was 3 920 tonnes which was divided amongst the management areas as follows: A – 0 tonnes (excepting 10 tonnes for research fishing); B – 1 176 tonnes (30% of the catch limit) and C – 2 744 tonnes (70% of the catch limit). The Commission agreed to the by-catch limits of 196 tonnes (5% of the catch limit for *D. eleginoides*) for *Macrourus* spp. and 196 tonnes (5% of the catch limit for *D. eleginoides*) for rajids. The Commission also agreed that the catch limits in this fishery can be carried over into the 2008/09 season, subject to the conditions detailed in paragraph 4.57. The Commission adopted Conservation Measure 41-02 (2007).

13.55 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 48.6 in 2007/08 would be limited to Japanese, Korean, New Zealand and South African flagged vessels using longlines only, and that no more than one vessel per country shall fish at any one time. The Commission noted the Scientific Committee's advice in respect of catch limits in this fishery, and agreed to reduce the precautionary catch limit for *Dissostichus* spp. to 200 tonnes north of 60°S, and 200 tonnes south of 60°S. The precautionary catch limits for by-catch species were reduced accordingly (see Conservation Measure 33-03). The Commission also subdivided the region north of 60°S into two SSRUs (see Conservation Measure 41-01). 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 (2007).

13.56 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 (CCAMLR-XXV, paragraph 12.48). The Commission urged all notifying Members to strive towards achieving a minimum tagging rate of three fish per tonne in Subarea 48.6.

13.57 Before adopting the conservation measures on the exploratory fisheries for *Dissostichus* spp. in Subarea 58.4, Ukraine stated that in respect of Conservation Measures 41-05 and 41-11, CCAMLR-XXIV agreed with the advice of the Scientific Committee that an experiment be conducted in order to reduce uncertainty in the assessment of toothfish stock structure in the Ross Sea. To address these issues for the Ross Sea, the Scientific Committee recommended that fishing be concentrated in areas of greatest activity.

On the basis of this advice, the Commission adopted Conservation Measures 41-05, 41-09, 41-10 and 41-11 for the toothfish exploratory fisheries in high-latitude seas, including the definition of the SSRUs with 'zero' catch. With the exception of Subareas 88.1 and 88.2, the Scientific Committee was unable to provide any new advice on catch limits for *Dissostichus* spp. taken in any exploratory fishery (SC-CAMLR-XXVI, paragraph 4.111).

13.58 Ukraine also stated that SSRUs with 'zero' catch in Divisions 58.4.1 and 58.4.2 were established without any appropriate justification. Currently, WG-FSA and the Scientific Committee are unable to obtain data on toothfish distribution and biological data or to carry out the tagging program in most divisions. All these data are required to assess the stock in these divisions and to reduce the uncertainty about toothfish stock structure. The conservation measures in force do not specify the dates of the experiment in particular divisions in Subarea 58.4, and the Scientific Committee was unable to conduct the necessary activities to assess the results of the three-year experiment in that subarea. Ukraine urged the Commission to request that, at its next meeting, the Scientific Committee provide information on the results of the experiment and amend the conservation measures involving SSRUs that are closed to fishing, so that these SSRUs may be opened to fishing, thus providing enhanced scientific understanding and reducing fishing pressure on particular areas.

13.59 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.1 in 2007/08 would be limited to one (1) Australian, one (1) Japanese, five (5) Korean, two (2) Namibian, three (3) New Zealand, one (1) Spanish, one (1) Ukrainian and one (1) Uruguayan flagged vessels using longlines only. The Commission also agreed to limit research fishing under Conservation Measure 24-01 to 10 tonnes of *Dissostichus* spp. green weight and a single vessel in each of SSRUs A, B, D, F and H. Other elements regulating this fishery were carried forward. Conservation Measure 41-11 (2007) was adopted.

13.60 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.2 in 2007/08 would be limited to one (1) Australian, one (1) Japanese, five (5) Korean, two (2) Namibian, two (2) New Zealand, one (1) South African, one (1) Spanish, one (1) Ukrainian and one (1) Uruguayan flagged vessels using longlines only. Other elements regulating this fishery were carried forward. Conservation Measure 41-05 (2007) was adopted.

13.61 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3a in 2007/08 would be limited to one (1) Uruguayan flagged vessel 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 12.10). Conservation Measure 41-06 (2007) was adopted.

13.62 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3b outside areas of national jurisdiction in 2007/08 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. The Commission also implemented the revisions agreed in paragraph 12.10, including: setting a precautionary catch limit of 150 tonnes for *Dissostichus* spp. in SSRU A; closing SSRU B to fishing; allowing an additional catch limit of 50 tonnes for *Dissostichus* spp. for the notified

Australian scientific research survey; and increasing the tagging rate for *Dissostichus* spp. to a minimum of three fish per tonne of green weight caught. Conservation Measure 41-07 (2007) was adopted.

13.63 The Commission agreed to revise the limits on the fishery for *D. eleginoides* in Division 58.5.2 and to extend the season for longlining (paragraph 4.59; SC-CAMLR-XXVI, paragraph 5.45). The revised catch limit for *D. eleginoides* was 2 500 tonnes which was applicable west of 79°20'E. The Commission also agreed that the catch limits in this fishery can be carried over into the 2008/09 season, subject to the conditions detailed in paragraph 4.57. Other elements regulating this fishery were carried forward. Conservation Measure 41-08 (2007) was adopted.

13.64 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.1 in 2007/08 would be limited to two (2) Argentine, five (5) Korean, one (1) Namibian, four (4) New Zealand, two (2) Russian, one (1) South African, one (1) Spanish, three (3) UK and two (2) Uruguayan flagged vessels using longlines only.

13.65 The Commission agreed to revise the catch limit for *Dissostichus* spp. in Subarea 88.1 to 2 700 tonnes, of which 40 tonnes were set aside for research fishing in SSRUs A, D, E and F, and the remaining 2 660 tonnes were applied as follows:

SSRU A:	0 tonnes
SSRUs B, C and G (northern):	313 tonnes total
SSRU D:	0 tonnes
SSRU E:	0 tonnes
SSRU F:	0 tonnes
SSRUs H, I and K (slope):	1 698 tonnes total
SSRU J:	495 tonnes
SSRU L:	154 tonnes.

13.66 As for other exploratory fisheries, the by-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.

13.67 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. Other elements regulating this fishery, including the tagging rate for *Dissostichus* spp. of three fish per tonne of green weight caught for the 10-tonne limit research fishing, were carried forward. Conservation Measure 41-09 (2007) was adopted.

13.68 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.2 in 2007/08 would be limited to two (2) Argentine, four (4) New Zealand, two (2) Russian, one (1) South African, one (1) Spanish, three (3) UK and two (2) Uruguayan flagged vessels using longlines only.

13.69 The Commission agreed to carry forward the precautionary catch limit for *Dissostichus* spp. in Subarea 88.2 which was 567 tonnes, of which 20 tonnes were set aside for research fishing in SSRUs A and B, and the remaining 547 tonnes were applied as follows:

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

13.70 As for other exploratory fisheries, the by-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.

13.71 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. Other elements regulating this fishery, including the tagging rate for *Dissostichus* spp. of three fish per tonne of green weight caught for the 10-tonne limit research fishing, were carried forward. Conservation Measure 41-10 (2007) was adopted.

Icefish

13.72 The Commission agreed to revise the limits on the fishery for *C. gunnari* in Subarea 48.3 (paragraph 4.65). It agreed a catch limit of 2 462 tonnes for the 2007/08 season and 1 569 tonnes for the 2008/09 season. It also agreed to remove the catch limit and research requirements between 1 March to 31 May. The Commission agreed that vessels should use net binding and consider adding weight to the codend to reduce seabird captures while deploying the trawl. Other elements regulating this fishery were carried forward, and Conservation Measure 42-01 (2007) was adopted.

13.73 The Commission agreed to revise the limits on the fishery for *C. gunnari* in Division 58.5.2 (paragraph 4.65). The Commission agreed a catch limit of 220 tonnes for the 2007/08 season. Other elements regulating this fishery were carried forward and Conservation Measure 42-02 (2007) was adopted.

Krill

13.74 The Commission agreed to revise the precautionary catch limit for *E. superba* in Subareas 48.1, 48.2, 48.3 and 48.4 combined (paragraph 4.48). The revised catch limit was 3.47 million tonnes. In addition, the Commission clarified the intention of the trigger level. Other elements regulating this fishery were carried forward. Conservation Measure 51-01 (2007) was adopted.

13.75 The Commission agreed to revise the precautionary catch limit for *E. superba* in Division 58.4.2, and to divide this division into two sectors (paragraph 4.49). The catch limit west of 55°E was set to 1.448 million tonnes, with a trigger level of 260 000 tonnes. The catch limit east of 55°E was set to 1.080 million tonnes, with a trigger level of 192 000 tonnes. The Commission also agreed that each vessel participating in this fishery should carry at least one scientific observer appointed in accordance with the Scheme of

International Scientific Observation or a domestic scientific observer fulfilling the requirements of the scheme. Other elements regulating this fishery were carried forward. Conservation Measure 51-03 (2007) was adopted.

Crab

13.76 The Commission carried forward the measures for the crab fishery in Subarea 48.3 in 2007/08 (paragraph 4.68). Conservation Measures 52-01 (2007) and 52-02 (2007) were adopted.

Squid

13.77 The Commission carried forward the measure for the exploratory jig fishery for *M. hyadesi* in Subarea 48.3 in 2007/08 (paragraph 4.69). Conservation Measure 61-01 (2007) was adopted.

New resolutions

13.78 The Commission adopted Resolution 26/XXVI urging Contracting Parties to support and where possible contribute to the IPY, including through CAML (paragraph 20.10).

CCAMLR System of Inspection

13.79 The Commission noted SCIC's consideration of a proposal submitted by Australia to review and strengthen the CCAMLR System of Inspection (Annex 5, paragraph 2.59; CCAMLR-XXVI/29 Rev. 1). The Commission also noted that the Conservation Measures Drafting Group has further developed the proposal through extensive consultation with Members. These discussions included consideration of practical implications for inspectors, fishing vessels, Flag States and the designating Member.

13.80 Australia stated that:

'It was with great regret that it must withdraw its proposal to amend the System of Inspection (paragraph 13.79). Australia expressed its disappointment in doing so as it had been hopeful that the early and comprehensive consultation with Members regarding the measure would have facilitated the proposal's adoption. Australia noted that many Members had provided a large number of constructive comments and the draft had significantly changed from that which had been originally circulated. Australia noted that its intention in revising the system had been to reflect the evolution of fishing practices, the expansion of vessel numbers and the increased complexity of compliance issues over time since the original System of Inspection was adopted. The changes were designed to modernise the system and to ensure it continued to be a useful compliance tool.

It reiterated its view that the changes that had been proposed were entirely consistent with the current System of Inspection and in particular, the wording relating to the main contentious issue that had resulted in the proposal's withdrawal. Australia noted that the inclusion of the language that had been proposed by another delegation on this issue would result in the Commission losing the benefits it received, and for which the Commission had thanked Australia, from its ability to conduct inspections on the high seas. Australia would be unable to undertake any more boardings or inspections. Australia reiterated that it had never envisaged or advocated the forceful or belligerent boarding of Members' vessels. However, it did not want to find itself in a position where those personnel who conduct boardings, including of non-Parties' vessels, and who do so within the constraints of domestic and international law and the System of Inspection, could not carry personal safety equipment. Australia believes this is important and under Australian domestic law, it is a requirement.'

13.81 Australia expressed its gratitude to the many Members who had supported and worked with it on this proposal and looked forward to further discussions with Members in the 2007/08 intersessional period.

13.82 The Commission noted the significant progress which had been made during the meeting; however, a few Members were unable to agree to the revised text. The Commission encouraged Members to continue consultation during the intersessional period, and agreed to reconsider the proposed revision at CCAMLR-XXVII.

13.83 The Commission endorsed SCIC's recommendation to clarify that the System of Inspection applies to Members and all Contracting Parties (Annex 5, paragraph 2.60; CCAMLR-XXVI/25). The Commission agreed to remove this ambiguity by revising footnote 2 in the Text of the CCAMLR System of Inspection.

General

13.84 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.