

IMPLEMENTATION AND COMPLIANCE

Report of SCIC

8.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was held from 27 to 31 October 2008 and chaired by Ms V. Carvajal (Chile). All attending Members of the Commission and observers attended the meeting.

8.2 The Chair of SCIC presented the Committee's report (Annex 5) and drew the Commission's attention to information and recommendations forwarded by the Committee. The Commission's deliberations on SCIC's recommendations in respect of implementation and compliance matters are provided in paragraphs 8.3 to 8.22. The Commission's deliberations on SCIC's recommendations in respect of the CDS, IUU fishing and the Scheme of International Scientific Observation are included in sections 9, 10 and 11 respectively.

System of Inspection

8.3 The Commission reviewed the implementation of the System of Inspection during the 2007/08 intersessional period, noting that 65 designated CCAMLR inspectors had conducted 12 at-sea inspections within the Convention Area and that none of the inspections had reported an infringement of CCAMLR measures in force (Annex 5, paragraph 2.1).

Compliance with conservation measures

8.4 The Commission noted that a number of vessels were reported by international scientific observers not to have fully complied with the requirements of the tagging program in accordance with Conservation Measure 41-01, Annex 41-01/C, during the 2007/08 fishing season (Annex 5, paragraphs 2.4 to 2.7).

8.5 Several Members reiterated the importance of the *Dissostichus* spp. tagging program to the Commission and pointed out that continual failure to fully implement it was undermining confidence in future assessments undertaken by the Scientific Committee (Annex 5, paragraph 2.9). These Members urged all CCAMLR Members to fulfil their obligations as responsible Flag States and to ensure that all of their flag vessels fully complied with the requirements of the tagging program. Australia also expressed the view that failure to implement the tagging program penalised those vessels which did make an effort to comply with it.

8.6 New Zealand encouraged Members to impose sanctions consistent with their national regulations on those vessels which did not comply with the tagging program from season to season.

8.7 The Commission noted a further SCIC recommendation that the observer report should provide an indication of the non-availability of fish suitable for tag and release if this occurred.

8.8 The Commission noted reports of non-compliance by vessels with some of the requirements of Conservation Measures 25-02, 25-03 and 26-01 and comments received from some Flag States in respect of these vessels (Annex 5, paragraphs 2.21 to 2.30).

8.9 Uruguay advised the Commission of its understanding that its flag vessel named in the report of SCIC (Annex 5, paragraph 2.21(iv)) had made every effort to comply with Conservation Measure 25-02 but that the vessel had been forced to remove the streamer line whilst manoeuvring in bad weather conditions due to safety concerns. Uruguay therefore requested that the issue of crew safety during vessel manoeuvres should be taken into consideration during any discussion of compliance with mitigation measures.

8.10 Regarding the infractions of the vessel *Antartic III* (Annex 5, paragraphs 2.21(iii) and 2.29) as informed by the observer on board, Argentina indicated that it had requested the report and that the infractions consisted of the use of 6 m streamer lines instead of 6.5 m ones, and that the vessel only managed to complete two hauls due to technical problems. It further indicated that the observer's report would be sent to the competent national authorities for their intervention and eventual imposition of sanctions if appropriate.

8.11 The Commission noted the recommendation of SCIC that Members could extend the pre-fishing inspection of vessels in relation to plastic packaging bands on bait boxes to other flag vessels as well as own-flag vessels as set out in paragraph 9 of Conservation Measure 10-02.

8.12 The Commission agreed with SCIC's recommendation that Members should make every effort to improve the level of reporting of assessments for identified VMEs and investigate the reasons for the low level of reporting in the 2008/09 notifications (Annex 5, paragraphs 6.3 and 6.4).

Notifications of exploratory and krill fisheries

8.13 The Commission requested the Secretariat to prepare a summary table indicating the completeness of exploratory and krill notifications which would be circulated to all Members well in advance of the annual meetings in order that the matter could be properly considered by SCIC.

8.14 The Commission expressed concern in respect of information from SCIC that a large number of vessels had notified to participate in krill fisheries in recent years but had not subsequently fished (Annex 5, paragraph 2.12).

8.15 Some Members noted that this was resulting in over-estimations of intended krill catches for the following season and therefore an incorrect assumption that the trigger level would be reached (SC-CAMLR-XXVII, paragraph 4.8).

8.16 The Commission also recognised the burden imposed on the Secretariat in processing such notifications.

8.17 Several Members recommended that krill notifications be standardised in line with exploratory fishery notifications, particularly through the introduction of an administration fee which would demonstrate the genuine intent of the notification and also to recover the costs involved in processing krill notifications.

8.18 Norway supported improved reporting procedures in respect of krill notifications and expressed its willingness to work towards resolving the issue. It advised the Commission that it had notified four krill vessels for the 2008/09 season and was in a position to advise that one of the vessels would definitely not fish, two almost certainly would, and that participation in the krill fishery by the fourth vessel was yet to be confirmed.

8.19 Japan was of the view that the Commission should focus on the discrepancy between the estimated and actual catches rather than the introduction of a notification processing fee system. Japan advised the Commission that it had proposed that krill vessels which notified but did not fish should be penalised with licence restrictions and a fine. Japan believed that the cost of processing krill notifications was already included as part of the Members' contribution and that krill fishing Members would effectively pay twice if an additional administration fee were to be imposed. Japan pointed out that administration fees were not imposed in order to offset the Secretariat's workload in respect of the implementation of other conservation measures.

8.20 New Zealand reminded the Commission that many krill notifications had been submitted by non-Members which do not pay a Membership contribution. New Zealand recalled that, in 2007, 11 notifications had been received from non-Members.

8.21 Ukraine observed that it seemed illogical to penalise krill fishers for not fishing when they could alternatively be regarded as behaving in such a manner as to conserve krill stocks. Ukraine could therefore see no basis for imposing a fee on vessels which did not harvest krill.

Compliance evaluation procedure

8.22 The Commission endorsed the report of the informal intersessional group for the Development of a Compliance Evaluation Procedure (DOCEP) and agreed to convene a DOCEP workshop in 2009 in conjunction with the meeting of WG-EMM (Annex 5, paragraphs 2.40 and 2.41).

SCIC Chair

8.23 The Commission noted that the current term of office of the SCIC Chair, Ms Carvajal, ends at the conclusion of CCAMLR-XXVII and that Ms K. Dawson-Guynn (USA) has been elected as the new Chair (Annex 5, paragraphs 8.1 and 8.3). It also noted that Mr J.P. Groenhof (Norway) had been elected as the new Vice-Chair of SCIC (Annex 5, paragraph 8.4).

8.24 The Commission expressed its deep appreciation to Ms Carvajal for her work as SCIC Chair from 2005 to 2008.