

OBSERVATION AND INSPECTION

Report of SCOI

8.1 The Chairman of SCOI, Mr G. Bryden (New Zealand), presented those sections of SCOI report which related to this agenda item (Annex 5, paragraphs 3.1 to 8.2). The parts of SCOI's report concerning IUU fishing were submitted and discussed under Agenda Item 5.

8.2 The Commission endorsed the recommendations of SCOI concerning the election of Mr Bryden as Chairman and Captain M. Fontanot (Uruguay) as Vice-Chairman. The term of these appointments is for one year, after which the Vice-Chairman will take over as Chairman of SCOI for two years. The Commission noted that the decision with respect to a one-year term did not establish a precedent and that subsequent appointments would be for two-year terms as required by the Commission's Rules of Procedure.

8.3 The Commission discussed in detail the advice received from SCOI and took a number of decisions as reported below.

Operation of the System of Inspection and Compliance with Conservation Measures

8.4 Information received from Members on the implementation of conservation measures in 1998/99 was noted (Annex 5, paragraphs 3.2 and 3.3). In addition, France informed the Commission that it also has in place the legislative procedure to give effect to national fisheries regulations for the French EEZ around Kerguelen and Crozet Islands (Division 58.5.1 and Subarea 58.6).

8.5 The Commission noted the advice of SCOI relating to compliance with Conservation Measure 29/XVI (reduction of seabird mortality in longline fisheries) (Annex 5, paragraphs 3.7 to 3.10). The Commission also noted the advice from the Chairman of the Scientific Committee that the level of compliance with some elements of Conservation Measure 29/XVI remained extremely low, especially with respect to line weighting (SC-CAMLR-XVIII, paragraphs 4.50 to 4.55).

8.6 The Commission agreed that Members need to ensure compliance by their longline vessels with all aspects of Conservation Measure 29/XVI (Annex 5, paragraph 3.10). National authorities should ensure that licences issued to vessels in accordance with Conservation Measure 119/XVII include a special requirement for full compliance with Conservation Measure 29/XVI. Further discussions of the Commission's actions with respect to seabird by-catch in longline fisheries are given in paragraphs 6.13 to 6.20.

8.7 The Commission noted discussions at SCOI on the application of VMS for krill fishing vessels (Annex 5, paragraphs 3.13 to 3.24).

8.8 The European Community and Japan further elaborated their positions to the Commission with respect to the application of Conservation Measure 148/XVII to krill fishing vessels (Annex 5, paragraphs 3.13 to 3.20). The European Community reiterated its proposal that VMS should be applied to all krill fishing vessels. Japan and some other Members did not accept this proposal.

8.9 Following a proposal from New Zealand, supported by the USA, the Commission encouraged Members whose vessels are engaged in krill fishing to consider the implementation of VMS on board their vessels in the near future (Annex 5, paragraph 3.15).

8.10 The Commission welcomed the opportunity for scientific observers to be placed, in accordance with the Scheme of International Scientific Observation, on board Japanese krill fishing vessels in Area 48 for the duration of the CCAMLR-2000 Survey (Annex 5,

paragraph 3.17).

8.11 The European Community drew to the attention of the Commission that catch statistics in Table 5 of the Scientific Committee Report (SC-CAMLR-XVIII) are listed by Flag State without indicating which States are members of the European Community. The Commission agreed that the Scientific Committee be advised that all catch statistics for CCAMLR Flag States which are also members of the European Community should be listed by Flag State grouped under the heading 'European Community'.

8.12 The Commission took note of information considered by SCOI on the implementation of the System of Inspection in 1998/99, including CCAMLR inspectors deployed at sea, areas covered and inspections undertaken (Annex 5, paragraphs 3.25 and 3.26). It also noted that CCAMLR inspectors found the compliance with conservation measures to be satisfactory on all three vessels inspected (CCAMLR-XVIII/BG/15; Annex 5, paragraph 3.27).

8.13 France advised the Commission that its national inspectors also worked in 1998/99 within the EEZ around Kerguelen and Crozet Islands (Division 58.5.1 and Subarea 58.6).

8.14 The Commission further noted information submitted by Chile and Argentina on actions taken in respect to their flag vessels which had been involved in infringements of conservation measures reported by inspectors designated both at international and national level (Annex 5, paragraphs 3.28 to 3.31).

8.15 The Commission noted that information exchange by CCAMLR Members on matters related to the System of Inspection and enforcement-related measures has considerably improved with the establishment of the CCAMLR website (Annex 5, paragraph 3.33).

8.16 Decisions of the Commission on amendments proposed by SCOI to the text of the System of Inspection with respect to reporting requirements are summarised below in paragraph 8.25.

Operation of the Scheme of International Scientific Observation

8.17 The Commission noted with satisfaction that the quality, content and timing of submission of reports from scientific observers had improved considerably (SC-CAMLR-XVIII, paragraphs 3.2 to 3.4). It joined the Scientific Committee in congratulating all scientific observers and coordinators of national observation programs for their great efforts.

8.18 The Commission noted the advice from the Scientific Committee and SCOI that, whenever possible, two scientific observers should be deployed on longline fishing vessels (SC-CAMLR-XVIII, paragraph 3.21; Annex 5, paragraph 4.4).

8.19 Several Members of the Commission emphasised that any decision on placing observers on board fishing vessels should take into account such practical aspects as vessel size and availability of accommodation for observers.

8.20 The Commission endorsed the recommendation from SCOI that Members be reminded that they are responsible for vessels' compliance with submitting catch and effort reports and fine-scale data under the relevant conservation measures (Annex 5, paragraph 4.6; SC-CAMLR-XVIII, paragraph 3.24).

8.21 The Commission endorsed the recommendation of the Scientific Committee that the following two tasks be added to the list of tasks of scientific observers as contained in the *Scientific Observers Manual*:

- (i) to weigh a sample of longline weights while the vessel is alongside the wharf (SC-CAMLR-XVIII, paragraph 3.15; Annex 5, paragraph 4.5); and
- (ii) to collect information on fishing gear loss and garbage disposal by fishing vessels at sea (SC-CAMLR-XVIII, paragraph 3.17).

8.22 The Commission recalled its decision of last year to review after a two-year period the effectiveness and the need to continue the collection of data on vessel sightings by scientific observers (CCAMLR-XVII, paragraph 8.17; SC-CAMLR-XVIII, paragraph 3.22; Annex 5, paragraph 4.8). In preparation for the review at the next meeting of the Commission, the Secretariat was asked to compile all reports of sightings received from observers during the trial period.

Review of SCOI Working Arrangements

8.23 The Commission noted that, due to other commitments, the review of SCOI working arrangements could not be undertaken at this year's meeting. The Commission agreed that, as a priority, Members should continue to analyse and review SCOI's working arrangements during the intersessional period in order to discuss the issue at the next meeting, taking into account proposals prepared by the Secretariat (CCAMLR-XVIII/19; Annex 5, paragraphs 5.1 to 5.5). Members should take into account that any review should not be conducted in isolation with the work of the Commission, Scientific Committee and its subsidiary bodies.

8.24 In respect of reporting requirements, the Commission approved a set of recommendations made by SCOI (Annex 5, paragraph 5.10) to reduce of the number of reports, avoid duplication between reports and improve report deadlines.

8.25 Following recommendations from SCOI, the Commission adopted amendments to the System of Inspection. The revised text, which will be published in the *Schedule of Conservation Measures in Force, 1999/2000*, is as follows:

- Amend paragraph I(f) to read:
 - (f) Names of Inspectors shall be communicated to the Secretariat within fourteen days of designation.
- Amend paragraph IV to read:
 - IV. Each Contracting Party shall provide to the Secretariat:
 - (a) One month before the commencement of the research cruise and in accordance with Conservation Measure 64/XII 'The Application of Conservation Measures to Scientific Research', the names of all vessels intending to conduct fishing for research purposes.
 - (b) Within seven days of the issuance of each permit or licence in accordance with Conservation Measure 119/XVII 'Licensing and Inspection Obligations of Contracting Parties with regard to their Flag Vessels Operating in the Convention Area', the following information about licences or permits issued by its authorities to its flag vessels authorising them to fish in the Convention Area:
 - name of the vessel;
 - time periods authorised for fishing (start and end dates);
 - area(s) of fishing;
 - species targeted; and
 - gear used.

(c) By 31 August, an annual report of steps it has taken to implement the inspection, investigation and sanction provisions of Conservation Measure 119/XVII 'Licensing and Inspection Obligations of Contracting Parties with regard to their Flag Vessels Operating in the Convention Area'.

- Amend paragraph XII by inserting a new sentence at the start as follows:

The Flag State shall, within fourteen days of the laying of charges or the initiation of proceedings relating to a prosecution, inform the Secretariat of this information, and shall continue thereafter to inform the Secretariat as the prosecution develops or is concluded.

The next sentence should start with the words 'In addition,'.

8.26 The Commission further noted that a number of improvements were related to the submission of information by Members in electronic format and to the circulation of such information by means of the CCAMLR website (Annex 5, paragraph 5.10). It was recalled that, when doing so, confidentiality of information should always be taken into consideration.

8.27 The Commission noted that the proposed improvements should not impact on the CCAMLR budget, taking into account the conditions listed in paragraph 5.10 of Annex 5.

8.28 The Commission directed the Secretariat to implement, as appropriate, agreed recommendations relating to improved reporting and also to circulate to Members the revised guidelines for the preparation and submission of the reports concerned. The Secretariat was also asked to take into account any special requests received from Members for the intersessional circulation of hard copies of some reports.

8.29 Taking into account Conservation Measure 148/XVII, the Commission was requested by SCOI to clarify whether paragraph 7.22 from the Report of CCAMLR-XV has been superseded in whole or in part by later decisions of the Commission and if not, whether the language of paragraph 7.22 is mandatory or hortatory. Paragraph 7.22 relates to the provision by Members of positional information for vessels fishing in the Convention Area.

8.30 The Commission advised that provisions of paragraph 7.22 were in part superseded by later decisions of the Commission, including adoption of Conservation Measure 148/XVII. Those provisions of paragraph 7.22 that remain in force are not mandatory.