

CONSERVATION MEASURES

9.1 All conservation measures adopted at the Eighteenth Meeting are contained in Annex 6.

Catch Documentation Scheme

9.2 The implementation of the Catch Documentation Scheme for *Dissostichus* spp. (Conservation Measure 170/XVIII) is discussed under Section 5.

Timing of the Fishing Season for Longlining

9.3 The Commission recalled earlier discussions on both the extent and the mitigation of incidental mortality of seabirds arising from longline fishing (section 6; CCAMLR-XVII, paragraphs 9.3 to 9.13 and earlier reports). The advice of the Scientific Committee (SC-CAMLR-XVIII, paragraphs 4.42 to 4.78) and ad hoc WG-IMALF (SC-CAMLR-XVIII/BG/23) was also noted. The Commission agreed that the timing of the fishing season for longlining in the 1999/2000 season would be as follows:

- 1 April to 30 September in Division 58.4.2; and
- 1 May to 31 August in Divisions 58.4.3, 58.4.4, 58.5.1, 58.5.2 and Subareas 48.3, 48.4 and 58.6.

9.4 In the absence of new advice for Division 58.4.1 and Subareas 48.6, 88.1 and 88.2, the Commission agreed that the timing of the fishing season used in these areas in 1998/99 would be applied to the 1999/2000 season. In these areas full compliance with Conservation Measure 29/XVI would be required.

Review of Existing Conservation Measures

CEMP Sites

9.5 The Commission noted that the Scientific Committee had reviewed the Management Plan of the Cape Shirreff CEMP site (Conservation Measure 82/XIII), in accordance with the procedures for affording protection to CEMP sites (Conservation Measure 18/XIII, Annex B Cape Shirreff) (SC-CAMLR-XVIII, paragraph 4.41).

9.6 The Commission noted the importance of the long-term CEMP research being conducted by Chile and the USA, and agreed to extend protection to the Cape Shirreff CEMP site for an additional five years.

Euphausia superba

9.7 The Commission noted that the forthcoming CCAMLR-2000 Survey would provide a new estimate of krill biomass in Area 48, and that this would form the basis of a revision of the precautionary limits for krill in Area 48 (SC-CAMLR-XVIII, paragraphs 5.13 and 5.14). The Commission looked forward to receiving this information at its next meeting.

9.8 The Commission agreed that Conservation Measures 32/X (Area 48), 45/XIV (Division 58.4.2) and 106/XV (Division 58.4.1) should remain in force.

***Dissostichus* spp.**

9.9 The Commission noted the advice of the Scientific Committee for the longline fishery for *D. eleginoides* in Subarea 48.3 (SC-CAMLR-XVIII, paragraphs 5.69 to 5.77). The

estimated yield for the 1999/2000 season was 5 310 tonnes, and this was higher than last year's estimate (3 550 tonnes) for two main reasons:

- (i) the increase in the estimate of mean recruitment; and
- (ii) the revision of the selectivity pattern to include all fish >79 cm.

9.10 It was also noted that in the analysis of available data for the most recent season, the standardised CPUE has increased since the 1997/98 season. This may be partially explained by the recruitment to the fishery of the strong 1989 year class (age 4 in 1992/93 – SC-CAMLR-XVIII, Annex 5, Table 38).

9.11 The Commission also noted that experimental pot fishing for *D. eleginoides* had been notified for Subarea 48.3 from January to June 2000, with an expected catch of 400 to 600 tonnes of the target species (CCAMLR-XVIII/BG/38). The Scientific Committee had advised that the catch of *D. eleginoides* taken in pots should be deducted from the catch limit for that species in Subarea 48.3 in the 1999/2000 season in accordance with the provisions of Conservation Measure 64/XII (SC-CAMLR-XVIII, paragraph 8.4).

9.12 The Commission agreed that the proposed research on pot fishing on *D. eleginoides* in Subarea 48.3 shall be conducted in accordance with the notification submitted by the UK as CCAMLR-XVIII/BG/38. This research will be restricted to a single vessel flagged to the UK, and fishing will target that part of the stock that is exploited by the longline fishery. The catch of *D. eleginoides* taken in the pot experiment will be considered as part of the general fishery for *D. eleginoides* in Subarea 48.3, and all CCAMLR data reporting requirements will be met, including five-day catch and effort reports and fine-scale data. The Commission agreed that the UK experiment will cease when a total of 600 tonnes of *D. eleginoides* has been taken in the experiment, or the catch limit has been reached for *D. eleginoides* in Subarea 48.3, whichever is sooner.

9.13 The Commission also agreed that any *D. eleginoides* taken in the pot fishery for crabs should also be taken into consideration when monitoring the catch limit for *D. eleginoides* in Subarea 48.3 (SC-CAMLR-XVIII, paragraph 8.5).

9.14 The Commission agreed that the catch limit for *D. eleginoides* in Subarea 48.3 in the 1999/2000 season be set at 5 310 tonnes, and that other management measures for this fishery should remain as for the 1998/99 season. Accordingly, Conservation Measure 154/XVII was revised and adopted as Conservation Measure 179/XVIII.

9.15 The Commission noted the advice of the Scientific Committee for the longline fishery for *D. eleginoides* and *D. mawsoni* in Subarea 48.4 (SC-CAMLR-XVIII, paragraph 5.79). There had been no longline fishing reported in this subarea since the 1992/93 season, and the existing catch limit was considered a precautionary harvest level which was based on the results of an exploratory fishing trip (SC-CAMLR-XII, Annex 5, paragraphs 6.1 to 6.4). The Commission agreed that 28 tonnes be adopted as an appropriate catch limit for a precautionary harvest strategy for *D. eleginoides* and *D. mawsoni* in Subarea 48.4 and that the season in this fishery should remain linked to the season for the longline fishery for *D. eleginoides* in Subarea 48.3. Accordingly, Conservation Measure 156/XVII was revised and adopted as Conservation Measure 180/XVIII.

9.16 The Commission noted the advice of the Scientific Committee for the trawl fishery for *D. eleginoides* in Division 58.5.2 (SC-CAMLR-XVIII, paragraphs 5.85 and 5.86). The estimated yield for the 1999/2000 season was 3 585 tonnes, and was similar to the previous estimates of yield.

9.17 The Commission agreed that the catch limit for *D. eleginoides* in Division 58.5.2 in the 1999/2000 season be set at 3 585 tonnes, and that other management measures for this fishery should remain as for the 1998/99 season. Accordingly, Conservation Measure 158/XVII was

revised and adopted as Conservation Measure 176/XVIII.

9.18 A prohibition on directed fishing on *Dissostichus* spp. except in accordance with specific conservation measures in the 1999/2000 season was adopted as Conservation Measure 172/XVIII. This measure covered Subarea 48.5, Division 58.4.1 east of 90°E, Division 58.5.1 and longline fishing areas in Division 58.5.2.

Champocephalus gunnari

9.19 The Commission noted the advice of the Scientific Committee for the midwater trawl fishery for *C. gunnari* in Subarea 48.3 (SC-CAMLR-XVIII, paragraphs 5.107 to 5.111):

- (i) most Members of the Scientific Committee agreed that the total catch limit for *C. gunnari* in Subarea 48.3 should be revised to 4 036 tonnes for the period 1 December 1999 to 30 November 2000;
- (ii) one Member noted that the low catch in this fishery indicates that the stock remains at a low level and that a survey is needed before setting any catch limit;
- (iii) in order to protect spawning concentrations, there should be a closed season in the fishery for *C. gunnari* in Subarea 48.3 between 1 March and 31 May 2000;
- (iv) the closed season should apply to the areas where spawning is known to take place, but the Scientific Committee was not in a position at this stage to provide unequivocal advice on the extent of the area within Subarea 48.3 which needed to be protected; and
- (v) other management measures for this fishery set for the 1998/99 season should remain in force.

9.20 The Commission considered this advice, and agreed that the catch limit for *C. gunnari* in Subarea 48.3 in the 1999/2000 season be set at 4 036 tonnes, and that the fishery be closed from 1 March to 31 May 2000. Accordingly, Conservation Measure 153/XVII was revised and adopted as Conservation Measure 175/XVIII.

9.21 The Commission noted the advice of the Scientific Committee for the trawl fishery for *C. gunnari* on the Heard Island Plateau part of Division 58.5.2 (SC-CAMLR-XVIII, paragraphs 5.116 and 5.117). The estimated yield for the 1999/2000 season was 916 tonnes in accordance with this year's short-term yield calculations, and the fishery should remain closed on Shell Bank.

9.22 The Commission agreed that the catch limit for *C. gunnari* on the Heard Island Plateau part of Division 58.5.2 in the 1999/2000 season be set at 916 tonnes, and that other management measures for this fishery should remain as for the 1998/99 season. Accordingly, Conservation Measure 159/XVII was revised and adopted as Conservation Measure 177/XVIII.

Electrona carlsbergi

9.23 In the absence of new advice, the Commission agreed to extend the existing management regime for the trawl fishery for *E. carlsbergi* in Subarea 48.3 to the 1999/2000 fishing season. Accordingly, Conservation Measure 155/XVII was revised and adopted as Conservation Measure 174/XVIII.

Martialia hyadesi

9.24 The Commission agreed that the existing management regime for the exploratory jig fishery for *M. hyadesi* in Subarea 48.3 be maintained for the 1999/2000 fishing season

(SC-CAMLR-XVIII, paragraph 5.133). Accordingly, Conservation Measure 165/XVII was revised and adopted as Conservation Measure 183/XVIII.

***Paralomis* spp.**

9.25 The Commission endorsed the great utility of the experimental harvest regime for the pot fishery for crab in Subarea 48.3, as set out in Conservation Measure 150/XVII. However, it agreed that Phase 2 in this measure should be eliminated because no need had been identified at this time. The Commission agreed that the existing catch limits for this fishery, as set out in Conservation Measure 151/XVII, be maintained for the 1999/2000 fishing season (SC-CAMLR-XVIII, paragraphs 5.128 to 5.130).

9.26 The Commission noted that experimental pot fishing for *D. eleginoides* may result in significant levels of by-catch, particularly crabs, and it was agreed that this should also be taken into consideration when monitoring the catch limit for crabs in this subarea (SC-CAMLR-XVIII, paragraph 8.5).

9.27 Accordingly, Conservation Measures 150/XVII and 151/XVII were revised and adopted as Conservation Measures 150/XVIII and 181/XVIII respectively.

Other Taxa

9.28 In the absence of new advice, the Commission agreed that the prohibition of directed fishing on *Gobionotothen gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*, *Lepidonotothen squamifrons* and *Patagonotothen guntheri* in Subarea 48.3 should be extended. Accordingly, Conservation Measure 152/XVII was revised and adopted as Conservation Measure 171/XVIII.

9.29 The Commission noted the general advice of the Scientific Committee on by-catch (SC-CAMLR-XVIII, paragraphs 7.7 to 7.10). It was agreed that the existing management regime for by-catch in Division 58.5.2 be extended to the 1999/2000 season. Accordingly, Conservation Measure 157/XVII was revised and adopted as Conservation Measure 178/XVIII.

Other Measures

9.30 The Commission noted the Scientific Committee's advice that few data are available to undertake assessments in the areas for which exploratory fishing on *Dissostichus* spp. had been proposed for 1999/2000 (SC-CAMLR-XVIII, paragraph 9.26). Assessments are therefore urgently required to identify appropriate catch levels for such fishing and the Commission endorsed the Scientific Committee's advice as a basis for developing research plans for fishing vessels to implement during the period they are prospecting in the exploratory fishing grounds. Accordingly, Conservation Measure 182/XVIII was adopted along with its two annexes (one being a data collection plan and the other being a research plan) as a protocol for the general implementation of exploratory fisheries for *Dissostichus* spp. in the Convention Area for the 1999/2000 season.

9.31 The Commission revised Conservation Measures 147/XVII so as to align this measure with Conservation Measure 170/XVIII (Catch Documentation Scheme for *Dissostichus* spp.). Accordingly, Conservation Measure 147/XVIII was adopted.

9.32 The Commission agreed that Conservation Measures 2/III¹, 3/IV, 4/V, 5/V², 6/V², 7/V, 18/XIII, 19/IX³, 29/XVI⁴, 31/X⁴, 32/X, 40/X, 45/XIV, 51/XII, 61/XII, 62/XI, 63/XV, 64/XII⁴, 65/XII⁴, 72/XVII, 73/XVII, 82/XIII, 95/XIV, 106/XV, 118/XVII, 119/XVII⁴, 121/XVI⁴, 122/XVI⁴, 129/XVI, 146/XVII³, 148/XVII, and 160/XVII⁵ should remain in force as they stand. Resolutions 7/IX and 10/XII also remain in force.

Lapsed Measures

9.33 Conservation Measures 149/XVII, 151/XVII, 152/XVII, 153/XVII, 154/XVII, 155/XVII, 156/XVII, 157/XVII, 158/XVII, 159/XVII, 161/XVII⁴, 162/XVII, 163/XVII, 164/XVII⁵, 165/XVII, 166/XVII, 167/XVII, 168/XVII⁶ and 169/XVII lapsed at the end of the 1998/99 season.

New Conservation Measures

9.34 A new general measure to reduce the incidental mortality of seabirds and marine mammals in the course of trawling was discussed under section 6. The Commission agreed that the requirements of Conservation Measure 30/X³ be included in this measure. Conservation Measure 173/XVIII was adopted, and Conservation Measure 30/X was subsumed in this measure.

Exploratory Fisheries for *Dissostichus* spp.

9.35 The Commission agreed to the following approach in developing conservation measures for exploratory fisheries for *Dissostichus* spp. in the 1999/2000 season:

- (i) the timing of the fishing season for longlining as set out in paragraphs 9.3 and 9.4;
- (ii) precautionary catch limits as set out in Table 1; and
- (iii) a generic format, where applicable, for conservation measures dealing with longlining.

9.36 The Commission agreed that the exploratory longline fishery for *Dissostichus* spp. in Subarea 48.6 would be limited to European Community (Portuguese-flagged) and South African-flagged vessels only. The catch limit was set at 455 tonnes of *Dissostichus* spp. north of 60°S, and 455 tonnes of *Dissostichus* spp. south of 60°S. The fishing season to the north of 60°S was defined as the period from 1 March to 31 August 2000, and the fishing season to the south of 60°S was defined as the period from 15 February to 15 October 2000. Accordingly, Conservation Measure 184/XVIII was adopted.

9.37 The Commission agreed that the exploratory longline fishery for *Dissostichus* spp. in Division 58.4.3 outside areas of national jurisdiction would be limited to European Community (Portuguese-flagged) and French-flagged vessels only. With respect to the discussion in paragraph 7.27, the catch limit was set at 300 tonnes on BANZARÉ Bank and 250 tonnes on Elan Bank of *Dissostichus* spp., and the fishing season in that region was defined as the period from 1 May to 31 August 2000. Accordingly, Conservation Measure 187/XVIII was adopted.

9.38 The Commission agreed that the exploratory longline fishery for *Dissostichus* spp. in Division 58.4.4 would be limited to European Community (Portuguese-flagged) and Chilean, French, South African and Uruguayan-flagged vessels only. The catch limit was set at 370 tonnes of *Dissostichus* spp. north of 60°S, and the fishing season in that region was defined as the period from 1 May to 31 August 2000. Accordingly, Conservation Measure 188/XVIII was adopted.

9.39 The Commission agreed that the exploratory longline fishery for *D. eleginoides* in Subarea 58.6 would be limited to European Community (Portuguese-flagged), Chilean, French and South African-flagged vessels only. The catch limit was set at 450 tonnes of *D. eleginoides*, and the fishing season was defined as the period from 1 May to 31 August 2000. Accordingly, Conservation Measure 189/XVIII was adopted.

9.40 The Commission agreed that the exploratory longline fishery for *Dissostichus* spp. in Subarea 88.1 would be limited to European Community (Portuguese-flagged), Chilean and New Zealand-flagged vessels only. The catch limit was set at 175 tonnes of *Dissostichus* spp. north of 65°S, and 1 915 tonnes of *Dissostichus* spp. south of 65°S. The fishing season in this subarea was defined as the period from 1 December 1999 to 31 August 2000. The Commission agreed that paragraph 3 of Conservation Measure 29/XVI shall not apply to the directed fishery by New Zealand, and fishing associated with its research plan (CCAMLR-XVIII/10), south of 65°S. It was also agreed that fishing for *Dissostichus* spp. shall be prohibited within 10 n miles of the coast of the Balleny Islands. Accordingly, Conservation Measure 190/XVIII was adopted.

9.41 The Commission agreed that the exploratory longline fishery for *Dissostichus* spp. in Subarea 88.2 would be limited to European Community (Portuguese-flagged) and Chilean-flagged vessels only. The catch limit was set at 250 tonnes of *Dissostichus* spp. south of 65°S, and the fishing season in that region was defined as the period from 15 December 1999 to 31 August 2000. Accordingly, Conservation Measure 191/XVIII was adopted.

9.42 In reference to its notification for exploratory fisheries referred to in Conservation Measures 184/XVIII, 187/XVIII, 188/XVIII, 189/XVIII, 190/XVIII and 191/XVIII, the European Community and its Member States reiterated that Member States of the Community had transferred to the European Community their competencies on fisheries. By virtue of this exclusive Community competence, the European Community is entitled and obliged to regulate internal or external fishing activities of its Member States. Vessels flying the flag of a Member State in all regional fisheries organisations, as well as in the UN Convention on the Law of the Sea (UNCLOS), are considered to be Community vessels, whether or not a specific provision to this effect is included in the respective Conventions.

9.43 As a Contracting Party of CCAMLR, the European Community, and consequently all its Member States and all Community vessels, are bound by CCAMLR's conservation and control measures, irrespective of whether those Member States are Members of CCAMLR or not. In that regard, the European Community has responsibilities for the monitoring of activities of its vessels with respect to CCAMLR obligations.

9.44 With respect to Conservation Measures 184/XVIII, 187/XVIII, 188/XVIII, 189/XVIII, 190/XVIII and 191/XVIII, the majority of the Members of the Commission took the position that any fishing by a Portuguese-flagged vessel would be in contravention of the Convention unless Portugal had acceded to the Convention prior to the initiation of such activities.

9.45 The European Community and its Member States stated that it had taken careful note of the Members' views expressed above. The European Community, however, fully reserved its rights under the Convention in relation to Community vessels.

9.46 The Commission called upon Portugal to consider favourably early accession to the Convention.

9.47 Argentina expressed a formal reservation in relation to paragraphs 9.42 to 9.46 above.

9.48 New Zealand notified the Commission both prior to this meeting and again at this meeting, that it has a formal objection to the notification of Portugal, submitted by the European Community, to enter the fishery, and its position that fishing by a Portuguese vessel in the Convention Area prior to Portugal acceding to the Convention would be in contravention of the Convention. New Zealand reserves its rights under the Convention.

9.49 Chile did not oppose the adoption of a conservation measure that regulates an activity in a specific area of the Convention. A lack of consensus could have an adverse impact on the fisheries and the operation of the management and conservation regime. However, Chile reiterated its position regarding the obligations established by the Convention with respect to the

Flag States and which can not be delegated. Only Flag States can take on these obligations in the legal and political context of the Antarctic Treaty System and all obligations pertaining to CCAMLR that are not within the scope of fisheries and the environment. All these obligations require that activities in the Convention Area can only be conducted by State Parties to the Convention that become Members of the Commission.

9.50 Australia placed on the record of the meeting that it considered that the notification of the European Community on behalf of Portugal was inconsistent with the Convention. Australia reserves its rights under the Convention.

9.51 Argentina wished to associate itself with the views of New Zealand, Chile and Australia. In agreeing with these views, Argentina also wished to reserve its rights under the Convention.

9.52 Russia and South Africa also wished to associate themselves with the views of New Zealand, Chile and Australia. In addition, South Africa stressed that the Commission's position with regard to the notification of the European Community on behalf of Portugal should not set a precedent.

9.53 The Commission noted that a trawl survey conducted on BANZARE Bank in Divisions 58.4.1 and 58.4.3 found a low abundance of *Dissostichus* spp. (SC-CAMLR-XVIII, paragraph 9.45). In view of this, it was agreed not to use the nominal maximum catch for this area (paragraph 7.25) for the exploratory trawl fishery notified by Australia. Instead, the Commission agreed to set a catch limit of 150 tonnes of *Dissostichus* spp. on BANZARE Bank (paragraph 7.27).

9.54 The Commission agreed that the exploratory trawl fishery for *Dissostichus* spp. in Divisions 58.4.1 (west of 90°E) and 58.4.3 would be conducted by Australian-flagged vessels only. With respect to the discussion in paragraph 7.27, the catch limit was set at 150 tonnes of *Dissostichus* spp. on BANZARE Bank, and 145 tonnes of *Dissostichus* spp. on Elan Bank. The fishing season was defined as the period from 1 December 1999 to 30 November 2000. Accordingly, Conservation Measure 185/XVIII was adopted.

9.55 The Commission noted the concern of the Scientific Committee regarding the catch limits of 500 tonnes proposed for *Lepidonotothen kempfi*, *Trematomus eulepidotus* and *Pleuragramma antarcticum* in the trawl fishery notified by Australia in Division 58.4.2 (SC-CAMLR-XVIII, paragraph 9.51). However, the paucity of information on these species had precluded further advice.

9.56 The Commission agreed that the exploratory trawl fishery for *Dissostichus* spp., and the new trawl fishery for *Chaenodraco wilsoni*, *L. kempfi*, *T. eulepidotus* and *P. antarcticum* in Division 58.4.2 would be conducted by Australian-flagged vessels only. The catch limit was set at 500 tonnes of *Dissostichus* spp., 500 tonnes of *C. wilsoni*, and 300 tonnes for each of the other three target species *L. kempfi*, *T. eulepidotus* and *P. antarcticum*. The fishing season was defined as the period from 1 December 1999 to 30 November 2000. Accordingly, Conservation Measure 186/XVIII was adopted.

9.57 The Commission noted the difficulties which the Scientific Committee and WG-FSA had encountered from time to time due to the late submission of notifications for new and exploratory fisheries. The Commission agreed that, in future, the Scientific Committee should not consider late notifications (see also paragraph 7.9).

9.58 Australia advised the Commission that any fishing or fishery research activities in those parts of Divisions 58.4.3 and 58.5.2 which constitute the Australian EEZ around the Australian territory of Heard and McDonald Islands must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the territory. Australia regards unauthorised fishing in its waters as a serious matter that undermines efforts to ensure that fishing occurs only on an ecologically sustainable basis. Australia seeks the assistance of other

CCAMLR Members in ensuring their nationals are aware of the boundaries 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. These controls include a limit on the number of fishing concessions issued. Presently, fishing concessions are fully subscribed and no further concessions are available to be issued in 1999/2000. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority. As Australia advised the Commission in an earlier agenda item, Australia has amended its legislation to provide increased penalties for fishing illegally in Australia's EEZ, including the immediate forfeiture of foreign vessels found engaged in such activities.

¹ As amended by Conservation Measure 19/IX which came into force on 1 November 1991 except for waters adjacent to Kerguelen and Crozet Islands.

² Conservation Measures 5/V and 6/V, which prohibit directed fishing for *Notothenia rossii* in Subareas 48.1 and 48.2 respectively, remain in force but are currently encompassed within the provisions in Conservation Measures 72/XVII and 73/XVII respectively.

³ Except for waters adjacent to the Kerguelen and Crozet Islands

⁴ Except for waters adjacent to the Kerguelen, Crozet and Prince Edward Islands

⁵ Except for waters adjacent to the Prince Edward Islands

⁶ Except for waters adjacent to the Crozet and Prince Edward Islands