

CONSERVATION MEASURE 10-08 (2009)
Scheme to promote compliance by Contracting Party nationals
with CCAMLR conservation measures

Species	all
Area	all
Season	all
Gear	all

The Commission,

Convinced that illegal, unreported and unregulated (IUU) fishing undermines the objectives of the Convention,

Concerned that some Flag States do not comply with their obligations regarding jurisdiction and control according to international law in respect of fishing vessels entitled to fly their flag that carry out their activities in the Convention Area, and that as a result these vessels are not under the effective control of such Flag States,

Aware that the lack of effective control facilitates fishing by these vessels in the Convention Area in a manner that undermines the effectiveness of CCAMLR conservation measures, and can lead to IUU catches of fish and unacceptable levels of incidental mortality of seabirds,

Concerned that vessels that carry out activities in the Convention Area which do not comply with the CCAMLR conservation measures are benefiting from the support provided by persons subject to the jurisdiction of Contracting Parties, including through participation in transshipment, transport and trade of illegally harvested catches or engagement on board or in the management of these vessels,

Conscious that, without prejudice to the primacy of the responsibility of the Flag State, taking action in accordance with existing domestic law against individuals who engage in, or support, IUU fishing can be an effective way to confront IUU fishing,

Mindful of the fact that international corporate structures and financial arrangements are often employed by IUU operators to limit their liability and avoid legitimate acceptable codes of behaviour, Members undertake to encourage and support investigation of such practices,

Noting that the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing calls on States to take measures to discourage nationals subject to their jurisdiction from supporting and engaging in any activity that undermines the effectiveness of international conservation and management measures,

Recalling that Contracting Parties should cooperate in taking appropriate action to deter any activities which are not consistent with the objective of the Convention,

Resolved to reinforce its integrated administrative and political measures aimed at eliminating IUU fishing in the Convention Area,

hereby adopts the following conservation measure in accordance with Article IX.2(i) of the Convention:

1. Without prejudice to the primacy of the responsibility of the Flag State, the Contracting Parties shall take appropriate measures, subject to, and in accordance with, their applicable laws and regulations:
 - (i) to verify if any of their nationals or any natural or legal persons subject to their jurisdiction are engaged in the activities described in paragraphs 5(i) to (viii) of Conservation Measure 10-06 and 9(i) to (vi) of Conservation Measure 10-07;
 - (ii) to verify if any of their nationals or any natural or legal persons subject to their jurisdiction are responsible for or benefiting from the activities described above (e.g. as operators, effective beneficiaries, owners, logistics and service providers;
 - (iii) take appropriate action in response to any verified activities referred to in paragraphs 1(i) and 1(ii). Such action may include measures to effectively deprive any of the participants in such activities of the benefits obtained and effectively dissuade the actors of further illegal activities.
2. Contracting Parties shall cooperate, including by seeking reciprocal and cooperative arrangements for exchange of information, for the purpose of implementing this conservation measure. To this end, relevant agencies of Contracting Parties should designate a contact point through which information on reported activities described in paragraphs 1(i) and 1(ii), including information regarding vessel identification, ownership including beneficial ownership, crew and catch, as well as information regarding relevant domestic legislation and the results of actions taken with regard to the implementation of this conservation measure can be exchanged.
3. To assist with the implementation of this conservation measure, Contracting Parties shall submit reports to the CCAMLR Secretariat and the Contracting Parties and non-Contracting Parties cooperating with CCAMLR for the purpose of implementing the Catch Documentation Scheme for *Dissostichus* spp. on the actions and measures taken in accordance with paragraph 1, in a timely fashion. These reports shall be circulated to Parties by the Secretariat in an appropriate way.
4. These provisions shall be applicable from 1 July 2008. Contracting Parties may voluntarily decide to implement these provisions prior to this date.