

TEXT OF THE CCAMLR SYSTEM OF INSPECTION

TEXT OF THE CCAMLR SYSTEM OF INSPECTION¹

I. Each Member of the Commission may designate Inspectors referred to in Article XXIV of the Convention.

- (a) Designated Inspectors shall be familiar with the fishing and scientific research activities to be inspected, the provisions of the Convention and measures adopted under it.
- (b) Members shall certify the qualifications of each Inspector they designate.
- (c) Inspectors shall be nationals of the Contracting Party which designates them and, while carrying out inspection activities, shall be subject solely to the jurisdiction of that Contracting Party.
- (d) Inspectors shall be able to communicate in the language of the Flag State of the vessels on which they carry out their activities.
- (e) Inspectors shall be accorded the status of ship's officer while on board such vessels.
- (f) Names of Inspectors shall be communicated to the Secretariat within fourteen days of designation.

II. The Commission shall maintain a register of certified Inspectors designated by Members.

- (a) The Commission shall communicate, each year, the register of Inspectors to each Contracting Party within a month of the last day of the Commission meeting.

III. In order to verify compliance with conservation measures adopted under the Convention, Inspectors designated by Members shall be entitled to board a fishing or fisheries research vessel in the area to which the Convention applies to determine whether the vessel is, or has been, engaged in scientific research, or harvesting, of marine living resources².

- (a) Inspection may be carried out by designated Inspectors from vessels of the Designating Member.
- (b) Ships carrying Inspectors shall carry a special flag or pennant approved by the Commission to indicate that the Inspectors on board are carrying out inspection duties in accordance with this system.

¹ As adopted at CCAMLR-VII (paragraph 124) and amended at CCAMLR-XII (paragraphs 6.4 and 6.8), CCAMLR-XIII (paragraph 5.26), CCAMLR-XIV (paragraphs 7.22, 7.26 and 7.28), CCAMLR-XV (paragraph 7.24), CCAMLR-XVI (paragraph 8.14), CCAMLR-XVIII (paragraph 8.25), CCAMLR-XXV (paragraph 12.73) and CCAMLR-XXVI (paragraphs 13.79 to 13.83).

² The System of Inspection applies to flag vessels of all Members of the Commission and Contracting Parties.

- (c) Such Inspectors may also be placed on board vessels, with the schedule of embarkation and disembarkation of Inspectors subject to arrangements to be concluded between the Designating Member and the Flag State.

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 24-01 '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 10-02 '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 10-02 'Licensing and Inspection Obligations of Contracting Parties with regard to their Flag Vessels Operating in the Convention Area'.

- V. (a) Any vessel present in the Convention Area for the purpose of harvesting or conducting scientific research on marine living resources shall, when given the appropriate signal in the International Code of Signals by a ship carrying an Inspector (as signified by flying the flag or pennant referred to above), stop or take other such actions as necessary to facilitate the safe and prompt transfer of the Inspector to the vessel, unless the vessel is actively engaged in harvesting operations, in which case it shall do so as soon as practicable.
- (b) The Master of the vessel shall permit the Inspector, who may be accompanied by appropriate assistants, to board the vessel.

VI. Inspectors shall have the authority to inspect catch, nets and other fishing gear as well as harvesting and scientific research activities, and shall have access to records and reports of catch and location data insofar as necessary to carry out their functions.

- (a) Each Inspector shall carry an identity document issued by the Designating Member in a form approved or provided by the Commission stating that the Inspector has been designated to carry out inspection in accordance with this system.
- (b) On boarding a vessel, an Inspector shall present the document described in paragraph VI(a), above.

- (c) The inspection shall be carried out so that the vessel is subject to the minimum interference and inconvenience. Inquiries shall be limited to the ascertainment of facts in relation to compliance with the Commission measures in effect for the Flag State concerned.
- (d) Inspectors may take photographs and/or video footage as necessary to document any alleged violation of Commission measures in force.
- (e) Inspectors shall affix an identification mark approved by the Commission to any net or other fishing gear which appears to have been used in contravention to conservation measures in effect and shall record this fact in the reports and notification referenced in paragraph VIII, below.
- (f) Inspectors shall be provided appropriate assistance by the Master of the vessel in carrying out their duties, including access as necessary to communications equipment.
- (g) Each Contracting Party, subject to and in accordance with their applicable laws and regulations, including rules governing the admissibility of evidence in domestic courts, shall consider and act on reports from Inspectors of Designating Members under this scheme on the same basis as reports from its own inspectors, and both Contracting Party and designating Member concerned shall cooperate in order to facilitate judicial or other proceedings arising from any such report.

VII. If a vessel refuses to stop or otherwise facilitate transfer of an Inspector, or if the Master or crew of a vessel interferes with the authorised activities of an Inspector, the Inspector involved shall prepare a detailed report, including a full description of all the circumstances and provide the report to the Designating Member to be transmitted in accordance with the relevant provisions of paragraph IX.

- (a) Interference with an Inspector or failure to comply with reasonable requests made by an Inspector in the performance of his duties shall be treated by the Flag State as if the Inspector were an Inspector of that State.
- (b) The Flag State shall report on actions taken under this paragraph in accordance with paragraph XI, below.

VIII. Inspectors shall complete the approved CCAMLR inspection report form.

- (a) The Inspector shall provide a written explanation, on the inspection report form, of any alleged violation of Commission measures in force. The Inspector shall allow the Master of the vessel being inspected to comment, on the inspection report form, about any aspect of the inspection.
- (b) The Inspector shall sign the inspection report form. The Master of the inspected vessel shall be invited to sign the inspection report form to acknowledge receipt of the report.
- (c) Before leaving the vessel that has been inspected, the Inspector shall give the Master of that vessel a copy of the completed inspection form.

- (d) The Inspector shall provide a copy of the completed inspection form along with photographs and video footage to the Designating Member not later than 15 days of his/her arrival to port.
- (e) The Designating Member shall forward a copy of the inspection form not later than 15 days from its reception along with two copies of photographs and video footage to the CCAMLR Executive Secretary who shall forward one copy of this material to the Flag State of the inspected vessel not later than seven days from receipt.
- (f) Fifteen days after the transmission of the completed inspection form to the Flag State, the CCAMLR Executive Secretary shall transmit that form to Members together with comments or observations, if any, received from the Flag State.

IX. Any supplementary reports or information, or any report prepared in accordance with paragraph VII, shall be provided by the Designating Member to the CCAMLR Executive Secretary. The latter shall provide such reports or information to the Flag State, which shall be then afforded the opportunity to comment. The CCAMLR Executive Secretary shall transmit the reports or information to Members within 15 days following their receipt from the Designating Member, and the observations or comments, if any, received from the Flag State.

X. A fishing vessel present in the area of application of the Convention shall be presumed to have been engaged in scientific research, or harvesting, of marine living resources (or to have been commencing such operations) if one or more of the following four indicators have been reported by an inspector, and there is no information to the contrary:

- (a) fishing gear was in use, had recently been in use or was ready to be used, e.g.:
 - nets, lines or pots were in the water;
 - trawl nets and doors rigged;
 - baited hooks, baited pots or traps or thawed bait were ready for use;
 - log indicated recent fishing or fishing commencing;
- (b) fish which occur in the Convention Area were being processed or had recently been processed, e.g.:
 - fresh fish or fish waste were on board;
 - fish were being frozen;
 - from operational or product information;
- (c) fishing gear from the vessel was in the water, e.g.:
 - fishing gear bore the vessel's markings;
 - fishing gear matched that on the vessel;
 - log indicated gear in the water;
- (d) fish (or their products) which occur in the Convention Area were stowed on board.

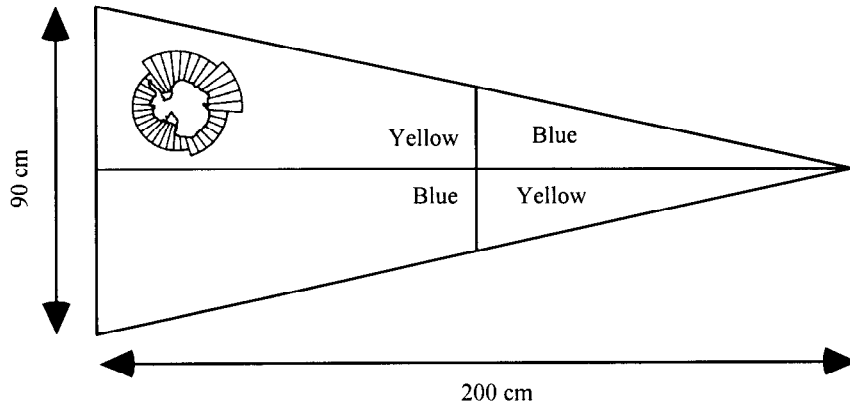
XI. If, as a result of inspection activities carried out in accordance with these provisions, there is evidence of violation of measures adopted under the Convention, the Flag State shall take steps to prosecute and, if necessary, impose sanctions.

XII. 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. In addition, the Flag State shall at least once a year report to the Commission, in writing, about the results of such prosecutions and sanctions imposed. If a prosecution has not been completed, a progress report shall be made. When a prosecution has not been launched, or has been unsuccessful, the report shall contain an explanation.

XIII. Sanctions applied by Flag States in respect to infringements of CCAMLR provisions shall be sufficiently severe as to effectively ensure compliance with CCAMLR conservation measures and to discourage infringements and shall seek to deprive offenders of any economic benefit accruing from their illegal activities.

XIV. The Flag State shall ensure that any of its vessels which have been found to have contravened a CCAMLR conservation measure do not carry out fishing operations within the Convention Area until they have complied with the sanctions imposed.

INSPECTION PENNANT



FISHING GEAR IDENTIFICATION MARK

A standard marker has been approved for identifying fishing gear that has been judged by an Inspector to be contrary to standards set by the Commission. It is in the form of a sealable plastic ribbon with an identifying number stamped into it. The identifying number is to be recorded in the appropriate space in the form for reporting the inspection.

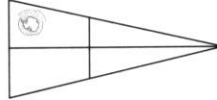


IDENTIFICATION DOCUMENT

Inspectors are required to carry an identity document of the type shown below.

Front

**COMMISSION FOR THE
CONSERVATION OF ANTARCTIC
MARINE LIVING RESOURCES**



The Bearer of this Document
(Name in Capitals)

.....
(Signature)
is a CCAMLR inspector for the 20/..... season and has the authority
to act under the arrangement approved by the Commission.

Issued by:

Signature: Date:

.....
(Name of issuing country in capitals, and inspector's identity number)

Photograph



Back

The bearer of this card is an authorised inspector under the
CCAMLR System of Observation & Inspection

Le porteur de cette carte est un inspecteur autorisé à agir
selon le Système d'observation et d'inspection de la CCAMLR.

Предъявитель настоящего документа является инспектором,
уполномоченным согласно Системе АНТКОМа по
наблюдению и инспекции

El portador de esta tarjeta es un inspector autorizado
según el Sistema de Observación e Inspección de la CCRVMA

Der Träger dieses Ausweises ist ein im Rahmen des CCAMLR
Inspektions- und Beobachtungssystems autorisierter Inspektor
本証の所持人は南極の海洋性物資源の
保存に関する条約(CCAMLR)の監視及び
検査の制度に基づく正規の検査員である。

본증의 소지자는 남극 해양생물 자원보존위원회의
감시 및 검사제도에 따라 권한을 부여받은 검사관임.

Okaziciel tego dokumentu jest upowaznionym inspektorem
dzialajacym w ramach Systemu Obserwacji i Kontroli Konwencji
o Ochronie Zywych Zasobow Morskich Antarktyki (CCAMLR)

