

**REPORT OF THE STANDING COMMITTEE ON  
IMPLEMENTATION AND COMPLIANCE (SCIC)**

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## **REPORT OF THE STANDING COMMITTEE ON IMPLEMENTATION AND COMPLIANCE (SCIC)**

### **I. OPENING OF THE MEETING**

1.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was held from 27 to 31 October 2003 chaired by Mr Y. Becouarn (France). All Members of the Commission participated in the meeting. No Members invoked a ruling in accordance with Rule 32(b) of the Commission Rules of Procedure. Therefore, Observers from Canada, Indonesia, the People's Republic of China, Mauritius, Netherlands and Seychelles, the Antarctic and Southern Ocean Coalition (ASOC), the World Conservation Union (IUCN) and the Coalition of Legal Toothfish Operators (COLTO) participated in the meeting as appropriate.

1.2 The Committee adopted the Agenda as contained in CCAMLR-XXII/1 and SCIC-03/1.

1.3 The Agenda and list of papers considered by the Committee are contained in Appendices I and II respectively.

### **II. IUU FISHING IN THE CONVENTION AREA**

Reports under Articles X, XXI, XXII and XXIV

2.1 The Secretariat presented a summary of reports received from Members (CCAMLR-XXII/BG/16).

2.2 The Committee noted that in accordance with Articles X and XXII of the Convention, reports were received from Australia, France, South Africa, as well as from Seychelles, as a Participating Party to the Catch Documentation Scheme for *Dissostichus* spp. (CDS). The reports included information of sightings and apprehensions of vessels in the CCAMLR Convention Area.

2.3 Australia presented a summary of information on sightings and apprehensions of illegal, unregulated and unreported (IUU) vessels in the Convention Area (CCAMLR-XXII/BG/20). Australia reported the sighting of the Russian-flagged vessel *Strela* in Division 58.5.2, the hot pursuit and apprehension of the Uruguayan-flagged *Viarsa I* after the vessel was sighted in Australia's EEZ inside Division 58.5.2 and the recent sighting of the Ghanaian-flagged *Alos* in Division 58.5.2. Australia also reported evidence of increased IUU fishing in Division 58.4.2. Australia noted that the sighting of the *Viarsa I* highlighted the problem of vessels misreporting their positions through the deliberate tampering of their vessel monitoring system (VMS).

2.4 New Zealand presented information to the Committee explaining that on 7 March 2003, a New Zealand surveillance patrol detected the Russian-flagged vessel *Volna* engaged in fishing activity well inside a fine-scale rectangle which had been closed to further fishing on 25 February 2003.

2.5 In response to the presentation of New Zealand on the sighting of the Russian-flagged fishing vessel *Volna* in the fine-scale rectangle closed for fishing, Russia reported that it had conducted an investigation, which concluded that the vessel was not fishing in contravention of Conservation Measure 41-01, because the vessel was hauling the longline, the centre-point of which was located in the adjacent open fine-scale rectangle, as described in paragraph 4(ii) of Conservation Measure 41-01. Therefore, in the view of Russia, the *Volna* complied with Conservation Measure 41-01.

2.6 Russia also noted that other Members of the Commission had experienced difficulties in the interpretation of Conservation Measure 41-01, as reported in CCAMLR-XXII/BG/8 Rev. 1, page 6.

2.7 France reported the apprehension of the Seychelles-flagged *Lince* and the sightings of the Seychelles-flagged *Praslin*, the Uruguayan-flagged *Lugalpesca* (CCAMLR-XXII/BG/10) and the Belize or Togo-flagged *Lome*, previously known as *Noemi*.

2.8 France also noted three recent trends in the strategies adopted by IUU operators:

- (i) more frequent transshipments at sea in order that catches can be unloaded in ports which are closer to Asian markets and where no inspections are conducted;
- (ii) the increased use of false catch documents and VMS records;
- (iii) IUU activity extending to the areas around the Antarctic continent.

2.9 South Africa reported information on the sightings of the Seychelles-flagged *Praslin*, the Uruguayan-flagged *Lugalpesca* and the *Viarsa I* in the South African EEZ inside Subarea 58.7, close to Prince Edward Island in early December 2002. South Africa also reported on subsequent actions regarding the vessel *Viola* which had unloaded toothfish in Beira, Mozambique, during the 2001/02 intersessional period.

#### Current Levels of IUU Fishing

2.10 The Chair of the Scientific Committee advised SCIC that the Working Group on Fish Stock Assessment (WG-FSA) had reviewed estimates of IUU catches which had been submitted by the Secretariat (SCIC-03/5 Rev. 1). The deterministic method presently used by the Secretariat to estimate IUU catches was the same method as the Working Group has used in previous years. This method used information submitted by Members on a number of vessels sighted and information on fishing trips and catch rates derived from CCAMLR data on licensed vessels.

2.11 These estimates of IUU catches for the period from 1 December 2002 to 1 October 2003 were then pro-rated to the end of the season (30 November 2003).

2.12 The Committee received information from the Chair of the Scientific Committee on IUU catches in the 2001/02 and 2002/03 seasons and noted that:

- (i) the estimated total IUU catch (10 070 tonnes) indicates that there may have been a slight reduction in the total IUU catch in the Convention Area in the 2002/03 fishing season. However, this remained much higher than was sustainable given the current knowledge of toothfish populations in the Convention Area;
- (ii) high-seas catches reported from Area 47 have increased for the past three years (76 tonnes in 2000/01, 655 tonnes in 2001/02 and 2 852 tonnes so far in 2002/03);
- (iii) catches in Areas 51 and 57 were lower in the 2002/03 fishing season than in the 2001/02 fishing season (3 643 tonnes in 2002/03 compared to 10 620 tonnes in 2001/02 in Area 51 and 858 tonnes in 2002/03 compared to 3803 tonnes in 2001/02 in Area 57), but this might be because of incomplete data reporting;
- (iv) some of the catches reported via the CDS may represent IUU catches from the Convention Area, misreported as coming from high seas outside the Convention Area.

2.13 The Committee also noted the advice of the Scientific Committee that levels of mortality arising from IUU fishing in the Convention Area continue to be unsustainable for populations of albatrosses, giant petrels and white-chinned petrels breeding in the Convention Area. Many albatross and petrel species are facing potential extinction as a result of longline fishing. The Committee endorsed the Scientific Committee's request that the Commission continue to take urgent action to prevent further seabird mortality by unregulated vessels in the forthcoming fishing season (SC-CAMLR-XXII, Annex 5).

2.14 The Republic of Korea shared the overall concern with catches coming from Area 57 and the possibilities of IUU fishing outside the Convention Area. Korea advised that its flag vessels had been fishing in FAO Areas 51 and 57 since 2000 and that it was willing to make VMS records, and any information to support the fishing locations of its flag vessels, available to all CCAMLR Members if required. In addition, Korea noted that these vessels applied for exploratory fishing to be conducted in the forthcoming season.

#### Procedures for Estimation of IUU Catches

2.15 The Chair of the Scientific Committee advised that the current method for estimating IUU catches used by the Secretariat could be improved by taking explicit account of both 'seen' and 'unseen' IUU vessels, using a simulation model to arrive at statistically rigorous estimates and confidence intervals of catches by IUU vessels. Such an approach was tested based on data from Subarea 48.3 and presented to WG-FSA last year (WG-FSA-02/4). SCIC was also informed that WG-FSA had also noted the utility of CDS data in tracking trends in catches of toothfish, and urged any future Joint Assessment Group (JAG) to incorporate other data, such as trade data, to cross-check the amount of toothfish that is currently being traded with catch documents (SCIC-03/13 Rev. 1).

2.16 The Committee noted that these issues have been included in the Terms of Reference developed by JAG and submitted for consideration and approval to the Commission (SCIC-03/13 Rev. 1).

## IUU Vessel Lists

2.17 The Committee considered a Provisional IUU Vessel List for Contracting Parties and a draft IUU Vessel List for non-Contracting Parties prepared by the Secretariat in accordance with Conservation Measures 10-06 and 10-07 (CCAMLR-XXII/47 Rev.1). The Committee took into account that all information relating to the compilation of the draft List of Contracting Party Vessels by the Secretariat had been circulated to Members before 30 July 2003 as required in accordance with Conservation Measure 10-06, paragraph 7. Additional information received from Members less than 30 days before CCAMLR-XXII was placed on the CCAMLR website and Members notified accordingly. More information submitted by Members at the time of the meeting was provided in CCAMLR-XXII/BG/23 and BG/24, SCIC-03/15, 16, 17 and 18.

2.18 In accordance with Conservation Measures 10-06 and 10-07, the Committee examined the lists and prepared Proposed IUU Vessel Lists for consideration by the Commission (Appendix III). Each vessel was considered separately taking into account all information submitted by Members and comments received from Flag States both intersessionally and during the meeting. In cases where a vessel had subsequently changed its flag or has been deregistered, the vessel was listed according to the current flag and name, whilst also indicating the flag and name under which it was sailing at the time the IUU incident was reported.

2.19 A summary of the Committee's discussions is given below for each vessel included in the Provisional IUU Vessel List for Contracting Parties and the draft IUU Vessel List for non-Contracting Parties. Flags of the vessels in the following paragraphs are given at the time of the reported incident.

### Contracting Party Vessels

#### *Santo Antero* (Portugal)

2.20 In 2002, the Department of Fisheries, Mozambique, reported that the vessel had unloaded toothfish on 21 February and 6 March 2002 in Maputo, Mozambique. The vessel was not in possession of a catch document.

2.21 The European Community advised that it had initiated an investigation to ascertain the vessel's whereabouts during the relevant period. The Portuguese authorities had examined the vessel's fishing logs and documentation relating to the catches, and determined that the species unloaded was a highly migratory species such as tuna. The European Community circulated copies of correspondence exchanged with Mozambique authorities where the latter indicated that they could not reliably confirm that the catch unloaded was toothfish (SCIC-03/17).

2.22 In consequence, the Committee recommended that *Santo Antero* be removed from the Provisional List of Contracting Party Vessels.

*Eternal* (Netherlands – registered in Netherlands Antilles)

2.23 On 10 January 2002, an Australian research vessel sighted and photographed a vessel in Division 58.4.2. The vessel identified itself as the Mauritanian-flagged *Kambott*. The vessel was later identified in an independent marine engineer's report as the *Arvisa I*, which was subsequently renamed the *Eternal*.

2.24 The *Eternal* was apprehended on 19 July 2002 by France for fishing in the French EEZ inside Division 58.5.1. France advised that after the apprehension, the vessel had been seized by French authorities. If France eventually decides to scuttle the *Eternal*, it shall in due course propose to remove the *Eternal* from the List of Contracting Party Vessels.

2.25 On 13 January 2003, the Netherlands authorities sent a report to CCAMLR on the decision to cancel the vessel's registration and the date of expiry of its provisional licence.

2.26 The Committee recommended that the *Eternal* be retained on the Provisional List of Contracting Party Vessels.

*Dorita* (Uruguay)

2.27 On 10 January 2002, an Australian research vessel sighted and photographed a vessel in Division 58.4.2. The vessel identified itself as the Ghanaian-flagged *Nova Tuna I*. On the same day, the Australian research vessel sighted fishing gear in the water within the area. The identification of the vessel was later verified in an independent marine engineer's report as the *Dorita*.

2.28 Uruguay advised that an investigation conducted by Uruguay found that positions reported by the Australian research vessel did not correspond with Uruguay's VMS records for the *Dorita*. Uruguay also advised that the *Dorita* had been subject to a port inspection in December 2001 which indicated that the vessel did not have global positioning system (GPS) equipment installed in its buoys. Uruguay also advised that, between 5 and 7 February 2002, the *Dorita* had transited the northeast boundaries of Divisions 58.5.1 and 58.5.2. Uruguay advised that, according to VMS data available to Uruguay, the vessel had been located in FAO Statistical Area 57 at the time of the January 2002 sighting. Uruguay confirmed that the *Dorita* had subsequently unloaded toothfish in Mombassa, Kenya, and that a port inspection conducted at that time showed that the seal placed on the vessel's VMS had not been tampered with. Uruguay believed that photographic evidence presented by Australia did not prove beyond reasonable doubt that the vessel photographed on 10 January 2002 was the *Dorita*.

2.29 Most Members were not convinced by the arguments offered by Uruguay.

2.30 Uruguay informed the Committee that it did not renew a fishing licence to the *Dorita*, since it belonged to the same owner as the *Viarsa I*. Uruguay also forwarded an official document informing that on 17 October 2003 the vessel dropped the flag and is now flagged to St Vincent and the Grenadines and has been renamed *Magnus*.

2.31 The Committee recommended that the *Dorita/Magnus* be retained but moved to the draft List of Non-Contracting Party Vessels.



*Lugalpesca* (Uruguay)

2.32 The Committee considered information dated February 2002 from Seychelles which reported that the vessel *Lena* (now *Alos*) had entered Division 58.5.1 for the purpose of delivering spare parts to the Uruguayan-flagged vessel *Lugalpesca*.

2.33 Uruguay noted that VMS data available to Uruguay showed that the vessel had been located in FAO Statistical Area 51 on 2 and 3 December 2002. On 15 January 2003, Uruguay advised that this vessel had no licence to fish inside the Convention Area and it had not received any information from the vessel regarding mechanical problems. Uruguay proposed that the vessel be maintained in the List of Contracting Party Vessels, stating that it will be thoroughly inspected and the crew interrogated during the next port call.

2.34 France advised that the *Lugalpesca* had also been sighted, pursued and photographed inside Division 58.5.1 on 4 June 2003 (SCIC-03/18).

2.35 In view of the above, the Committee recommended that the *Lugalpesca* be retained on the Provisional List of Contracting Party Vessels.

*Viarsa I* (Uruguay)

2.36 South Africa advised that France had sighted the *Viarsa I* on 3 December 2002 in the South African EEZ inside Subarea 58.7 and consequently informed South Africa which reported the incident to the CCAMLR Secretariat. France advised that it had also sighted the *Viarsa I* on 21 December 2002 in the French EEZ inside Division 58.5.1 (SCIC-03/18).

2.37 Uruguay advised that it had not received any factual information relating to the sighting in Subarea 58.7 and therefore did not believe that the sighting necessarily constituted fishing activity. Uruguay advised that on 28 January 2003 the vessel had unloaded toothfish in Port Louis, Mauritius, in the presence of a Uruguayan inspector and that the inspection showed no irregularities. The vessel was therefore provided with a catch document and landing certificate.

2.38 Additionally, the *Viarsa I* had been sighted on 7 August 2003 by Australian authorities for IUU fishing in the Australian EEZ inside Division 58.5.2. The vessel was pursued and subsequently apprehended on 28 August 2003.

2.39 Uruguay confirmed and acknowledged irregularities in the vessel's VMS reports at the time of its apprehension. It advised the Committee that it would continue to cooperate and would clarify information concerning the *Viarsa I* where possible. Uruguay reiterated its respect for CCAMLR and for international law.

2.40 The Committee recommended that the *Viarsa I* be retained on the Provisional List of Contracting Party Vessels.

*Lena* (Russia)

2.41 The *Lena* had been apprehended by Australian authorities on 6 February 2002 for IUU fishing in the Australian EEZ inside Division 58.5.2.

2.42 Russia advised that the vessel should not be listed as a Russian-flagged vessel as it had been deleted from the Russian vessel register in connection with the apprehension and forfeiture by Australia. Australia advised that the vessel had since been scuttled.

2.43 The Committee recommended that the *Lena* be removed from the Provisional List of Contracting Party Vessels on the basis that it had been scuttled following prosecution under Australia legislation.

*Volga* (Russia)

2.44 The *Volga* had been apprehended by Australian authorities on 7 February 2002 outside the Convention Area following a hot pursuit after being sighted fishing in the Australian EEZ inside Division 58.5.2.

2.45 Russia noted that legal proceedings in Australia were still pending and stated that it would be inappropriate for the vessel to be included on the list until the outcome of the case. Russia also advised that the vessel was anticipated to be deleted from the Russian registry in the near future and that if prosecuted, the vessel would not engage in any fishing activities.

2.46 In response, other Members of the Committee observed that a decision on the vessel should be taken based solely on provisions of Conservation Measure 10-06. These Members also observed that a vessel should remain on the list unless the relevant Party can fulfil the conditions set out in paragraph 10 of Conservation Measure 10-06.

2.47 In view of the lack of consensus, the Committee failed to make a recommendation to remove the *Volga* from the Provisional List of Contracting Party Vessels. The matter was referred to the Commission.

*Strela and Zarya* (Russia)

2.48 The *Strela* and *Zarya* had been reported by the Department of Marine and Fisheries, Indonesia, to have unloaded toothfish in Jakarta, Indonesia, in September 2002. Whilst the Indonesian authorities reported that the vessels had presented fishing licences and catch documents, the Secretariat reported that it had never received any such information on the vessels, including whether catch documents were ever issued to them either by Bolivia or Russia.

2.49 Russia believed that the report received from Indonesia was incorrect for the following reasons: (i) it contained wrong dates for entering port for both vessels; (ii) it alleged that vessels were in possession of catch documents although Russia had never issued such documents; and that (iii) a Russian officer had certified the landings although this certainly had not been the case.

2.50 Russia provided the Committee with the names of the new and previous owners. The contract for purchasing the vessels had been concluded on 27 July whilst the vessels were still at sea. The contract did not include the purchase of any fish which may have been on board. The fish on board both vessels were subsequently unloaded and taken possession of by the previous owners. Therefore the new Russian captain and crew had nothing to do with the cargo. Russia realises that under international law it is responsible for vessels which it reflags, but the abovementioned circumstances clearly demonstrated that Russia had nothing to do with toothfish on board these vessels. Russia also offered to make documentation regarding the ownership and change of flag of these vessels available to the Commission.

2.51 Additionally, Australia submitted information on a vessel sighted inside the Australian EEZ of Division 58.5.2 on 27 June 2003. An independent marine engineer's report had identified the vessel as the *Strela*.

2.52 Russia advised that it wished to conduct an independent investigation of its own and requested Australian authorities to provide the relevant documentation. Russia further stated that it was in possession of documentation contradicting the Australian sighting report and offered to make it available to the Commission.

2.53 In view of the lack of consensus, the Committee failed to make a recommendation to remove the *Strela* and the *Zarya* from the Provisional List of Contracting Party Vessels. The matter was referred to the Commission.

#### Draft List of Non-Contracting Party Vessels

##### *Lince* (Seychelles)

2.54 The *Lince* had been apprehended by France for IUU fishing in the French EEZ inside Division 58.5.1. Seychelles advised that the vessel had been deregistered on 13 March 2003. France advised that the vessel is now the property of the Government of France, that it has been renamed *Osiris* and will be utilised as a patrol vessel in future (SCIC-03/18).

2.55 In view of the new status of the vessel, the Committee recommended that the *Lince* be removed from the draft List of Non-Contracting Party Vessels.

##### *Noemi* (Belize)

2.56 South Africa advised that the Belize-flagged vessel *Noemi* had unloaded toothfish in Beira, Mozambique, in September 2002. The vessel had not been in possession of a catch document. The vessel had subsequently entered the Port of Durban, South Africa, where electronic logbooks had been examined by South African authorities. These showed the vessel to have fished within Division 58.5.1. France confirmed these facts.

2.57 Belize was advised that the vessel had been included on the draft List of Non-Contracting Party Vessels. Belize responded that the vessel had been deleted from the Belize registry. In any case, Belize believed that the vessel should not remain on the draft

List of Non-Contracting Party Vessels as no evidence had ever been submitted to the Belizean authorities in respect of the incident. Belize also noted that it had made repeated requests to South African authorities in this regard.

2.58 In addition, France advised that on 21 October 2003 a vessel believed to be the *Noemi*, but at the time identifying itself as the *Lome*, had been sighted inside Division 58.5.1 (SCIC-03/18).

2.59 The Committee recommended that the *Noemi/Lome* be retained on the draft List of Non-Contracting Party Vessels.

#### *Notre Dame* (Bolivia)

2.60 The *Notre Dame* had been reported to have unloaded toothfish in March 2002 in Mozambique without a catch document. Bolivia was advised that the vessel had been included on the draft List of Non-Contracting Party Vessels. No response had been received.

2.61 The Committee recommended that the *Notre Dame* be retained on the draft List of Non-Contracting Party Vessels.

#### *Praslin* (Seychelles)

2.62 In December 2002, the *Praslin* had been sighted by French authorities inside the South African EEZ in Subarea 58.7. The vessel had been pursued, video footage taken and fishing gear found in the water (SCIC-03/18).

2.63 The Flag State had deregistered the vessel in March 2003 and had not confirmed the catch document with a view to rejection of the landing. The Committee was advised that the *Praslin* had been renamed *Lucky Star* and had reflagged to Equatorial Guinea.

2.64 Equatorial Guinea had been advised that the vessel had been included on the draft List of IUU Vessels. No response had yet been received.

2.65 The Committee recommended that the *Lucky Star* (ex *Praslin*) be retained on the draft List of Non-Contracting Party Vessels.

#### *Alos – ex Lena* (Ghana – ex Seychelles)

2.66 The vessel, whilst flagged to Seychelles, had been reported to have been inside Subarea 58.6 and Division 58.5.1 during December 2002. Under its new flag of Ghana, the vessel had also been sighted engaging in fishing activities in the Australian EEZ inside Division 58.5.2 on 21 September 2003 (SCIC-03/18).

2.67 Ghana was advised that the vessel had been included on the draft List of IUU Vessels. No response had yet been received.

2.68 The Committee recommended that the *Alos* be retained on the draft List of Non-Contracting Party Vessels.

*Inca – ex Viking* (Belize – ex Seychelles)

2.69 The European Community submitted information (CCAMLR-XXII/BG/24) from evidence gathered from the apprehension of the *Lince*, that the Seychelles-flagged vessel *Viking* had supplied it with fuel.

2.70 The European Community also advised that, according to the document SCIC-03/12, a cargo of 93.342 tonnes of undocumented toothfish was on board the *Viking* during its call to Mauritius on 3 March 2003.

2.71 In view of the lack of consensus, the Committee failed to make a recommendation to remove the *Inca/Viking* from the draft List of non-Contracting Party Vessels. The matter was referred to the Commission.

2.72 In conclusion, the Committee prepared for submission to the Commission a Proposed IUU Vessel List for Contracting Parties and a Proposed IUU Vessel List for non-Contracting Parties and recommended them for approval by the Commission according to the comment expressed in the last column of the Proposed Lists given. These are provided in Appendix III.

Additional Information submitted to the Committee

2.73 Some Members submitted new information to the Committee in respect of a number of other Contracting Party vessels (CCAMLR-XXII/BG/23, BG/24 and SCIC-03/18). In accordance with Conservation Measure 10-06, paragraph 8, these vessels were not proposed for inclusion in the Provisional List of Contracting-Party Vessels.

2.74 The Committee recommended that Members note the names of those vessels and pay particular attention to their future activities. The vessels mentioned are listed in the following paragraphs (CCAMLR-XXII/BG/23). In cases of deregistering such vessels, Flag States should also inform the Commission and provide as much information as possible in respect of the reflagging and ownership of the vessel.

2.75 The European Community mentioned that a vessel sighted by a French patrol vessel near the CCAMLR Convention Area had identified itself as *Antic 5*, flagged to Panama, but whose sighting showed the name *Atlantic 52* and the Port of Montevideo. However, Uruguay believed that the information provided in CCAMLR-XXII/BG/23 did not correspond with information provided by Uruguay. In particular, Uruguay noted that the call sign reported by the European Community did not correspond with that recorded in the Uruguayan registry. Uruguay advised that it was willing to obtain further information to complement corresponding actions.

2.76 The European Community referred to CCAMLR-XXI, paragraph 8.40, and asked if any information in respect of the current or future flag registration and ownership of the

vessels *Austin-1*, *Boston-1*, *Champion-1*, *Darvin-1*, *Eva-1* and *Florens-1* could be made available to the CCAMLR Secretariat for inclusion in the CCAMLR Vessel Database. The Committee agreed with this approach.

2.77 Australia submitted information in respect of the Russian-flagged *Florens-1* which had refuelled the *Lena* in the course of a sighting and pursuit during February 2002. Australia proposed that the *Florens-1* be included in the Provisional IUU List of Contracting Party Vessels. Australia also reiterated the names of another five Russian-flagged vessels: *Austin-1*, *Boston-1*, *Champion-1*, *Darvin-1* and *Eva-1* (CCAMLR-XXI, paragraph 8.40).

2.78 Russia objected to reference being made to the six abovementioned Russian-flagged vessels in the report of the Committee. Russia stated that discussion concerning these vessels was not in accordance with Conservation Measure 10-06, paragraph 8, and that Australia had not submitted any written information concerning their activities. Russia advised that, in any case, the six vessels were soon to be sold and deregistered. The Committee urged Russia to provide as much information as possible, under the relevant Flag State legislation, on the reflagging and new ownership of these vessels.

2.79 The proposal of Australia relating to the vessel *Virgin of Carmen* (CCAMLR-XXII/47 and SCIC-03/16) was not considered by the Committee. At the time of adoption of the report, some Members expressed the view that the situation of the vessel was still unclear and needed further investigation.

2.80 To improve the capacity of the Commission to combat IUU fishing, Australia urged Contracting Parties, when submitting proposals to add vessels to the CCAMLR list of IUU vessels, to also make all relevant information available where known. In particular, to provide, where known:

- (i) vessel flag and name (including history of any change to flag and name);
- (ii) Lloyds/IMO number;
- (iii) details of reports and allegation(s) of involvement in IUU activity;
- (iv) names of responsible officers and crew of vessels;
- (v) details of the operator/charterer of the vessel;
- (vi) details of the owner of the vessel, if not the operator;
- (vii) details of the beneficial owner or any other party with a beneficial or controlling interest in the vessel and/or its catch;
- (viii) information on landings, transshipments, trade in products derived from alleged IUU activities.

2.81 The Committee acknowledged that the process of considering the IUU lists was new and therefore urged relevant Parties to make all information available promptly in written form in respect of future deliberations.

### III. REVIEW OF COMPLIANCE AND IMPLEMENTATION-RELATED MEASURES AND POLICIES

#### Joint Assessment Group

3.1 Following discussions at CCAMLR-XXI (paragraphs 8.10 to 8.14), a meeting of JAG was held at the CCAMLR Headquarters on 23 and 24 October 2003.

3.2 The meeting, chaired by the Convener of the Group, Mr E.S. Garrett (USA), was attended by the Chair of the Scientific Committee, the Chair of SCIC and the Conveners of WG-FSA and ad hoc WG-IMAF. The meeting was also attended by representatives from Australia, Brazil, European Community, Japan, New Zealand, Russia, Spain, Ukraine and the UK.

3.3 A report of the meeting was submitted by the JAG Convener and considered by the Committee. A copy of the report is provided in SCIC-03/13 Rev. 1.

3.4 The Committee noted that at its first meeting, JAG agreed that it would have an ad hoc status, subject to further consideration by SCIC, the Commission and the Scientific Committee. A recommendation was also noted that membership of the ad hoc group should be open-ended and, in particular, include representatives from the Scientific Committee, WG-FSA, ad hoc WG-IMAF and SCIC.

3.5 Ad hoc JAG had developed proposals for Terms of Reference and Procedures for its work. It had also developed a work plan in order to develop:

- methods for estimating total removals of toothfish;
- a comparative methodology for determining compliance with conservation measures.

3.6 In particular, the Committee noted that ad hoc JAG had reiterated the importance of combining input from both the Scientific Committee and SCIC in assessing total removals and recommended that the Commission, at its current meeting, should determine, in close consultation with the Chair of the Scientific Committee and the Conveners of WG-FSA and ad hoc WG-IMAF, how best to further progress these matters. Furthermore it was noted that ad hoc JAG recommended that SCIC should pay particular attention to the task of conducting a risk assessment of the accuracy of estimating IUU fishing within ocean-basin areas to determine what changes to current fisheries-management procedures might occur given different plausible levels of IUU catches that might arise from refined assessments.

3.7 The Committee observed that some items of the proposed Terms of Reference and work plans relate to compliance-related issues which are within the competence of SCIC. Work on other items would involve experts in both compliance and scientific matters.

3.8 It was also observed that the proposed terms of reference and work plans include both non-recurrent and recurrent tasks. Work on the development of methods for estimating total removals and evaluating compliance with conservation measures would be non-recurring tasks, whereas estimation of total removals and evaluation of compliance with conservation measures would be recurring tasks.

3.9 The Committee considered the terms of reference prepared by ad hoc JAG and, with minor editorial changes (SCIC-03/13 Rev.1), recommended them for adoption by the Commission subject to the following specific recommendations:

- (i) development of a comparative methodology for determining compliance with conservation measures should reside within the competence of SCIC;
- (ii) development of methods for estimating total removals would require input from both experts of SCIC and the Scientific Committee; therefore it could be accomplished by ad hoc JAG or any other subsidiary body established by the Commission and the Scientific Committee for this purpose;
- (iii) the recurrent estimation of total removals would require the establishment of a subsidiary body with a defined status, membership and work arrangements, including the timing of its meetings;
- (iv) the evaluation of compliance with conservation measures by means of the methodology consequently adopted by the Commission would be accomplished by SCIC with participation of experts from the Scientific Committee when required;
- (v) SCIC may need to establish a special working group to deal with this task during its annual meetings;
- (vi) the Commission needs to consider allocation of additional time to annual meetings of SCIC which would be required for the evaluation of compliance with conservation measures;
- (vii) the work plans developed by ad hoc JAG (SCIC-03/13 Rev. 1) were noted. These should be considered by the Commission as guidelines to assist any subsidiary bodies in their work.

### Compliance Evaluation Procedures

3.10 The Chair of the Scientific Committee reported that the Scientific Committee had considered the proposal put forward by the European Community (CCAMLR-XXII/52) for a method of assessing compliance using a score method.

3.11 The comments of WG-FSA were available to SCIC (SC-CAMLR-XXII, Annex 5, paragraphs 5.302 to 5.305 and 6.58 to 6.65). WG-FSA noted that the proposed method of deriving a total compliance score depended on weighting elements of conservation measures. WG-FSA also pointed out that it would be difficult, on presently available information, to comment on priorities and weighting for compliance issues. Often WG-FSA's advice is presented as a package, rather than alternative weighted priorities. However, the proposed procedure of communication between SCIC, the Scientific Committee, WG-FSA and presumably JAG, should be appropriate for exploring these issues.

3.12 The Committee noted that WG-FSA was also concerned that if a threshold total compliance score was less than 100%, this could result in fishers trading off between



conservation measures with different weightings to achieve the threshold score. In addition, the method proposed does not address the problem of distinguishing between non-compliant vessels that fail by a small amount and those failing by a large margin.

3.13 The Committee was informed that WG-FSA was unclear how the total compliance score would be interpreted or used. This is important if the method is to be properly assessed and compared with other potential approaches.

3.14 The European Community advised that it will continue to develop this proposal during the intersessional period in consultation with Members wishing to take part in this project.

3.15 The Committee noted that the issue of developing a methodology for evaluating compliance with conservation measures is included in terms of reference developed by the ad hoc JAG.

#### Conservation Measures in Force

3.16 The Committee considered information prepared by the Secretariat on compliance with conservation measures in force. Details of compliance with fisheries management measures and data submission were given in CCAMLR-XXII/BG/8 Rev. 1, along with details of compliance with enforcement-related conservation measures in CCAMLR-XXII/BG/16.

3.17 The Committee noted that some delays were still occurring in the submission of fisheries data and that Members reported some operational concerns with the application of Conservation Measure 41-01 relating to catch limit regulations in fine-scale rectangles (CCAMLR-XXII/BG/8 Rev. 1, Tables 2 and 3).

3.18 Namibia, New Zealand, UK and Uruguay reported on a number of port inspections conducted in accordance with Conservation Measures 10-03 and 10-05. The flags of the vessels inspected were Australia, Republic of Korea, Netherlands (Netherlands Antilles), South Africa and Uruguay. Namibia reported that it had declined unloading permission to one vessel, the Netherlands Antilles-registered *Virgin of Carmen* in April 2003. No other infractions were reported.

3.19 The Committee noted, in particular, that the Netherlands Antilles had advised in May 2003 that it is now implementing the CDS. Later, the Netherlands Antilles also advised in relation to two of its registered vessels with licences to harvest toothfish, that it had cancelled the registration of the *Eternal* and that the *Virgin of Carmen* had deregistered.

3.20 The Committee also noted that Seychelles, a non-Contracting Party to CCAMLR, had advised that it had withdrawn the licences of all four of its flag vessels licensed to harvest toothfish on the high seas and subsequently had deleted these vessels from its registry. The vessels were the *Lince*, *Praslin*, *Rubin* and *Viking*. The Committee noted that the *Lince* had been apprehended for IUU fishing in Division 58.5.1 during 2003, that the *Praslin* had been renamed *Lucky Star* and had reflagged to Equatorial Guinea. The *Rubin* had been renamed *Typhoon I* and provided with temporary Belize registration which had expired on 29 July 2003 when the vessel reflagged to Togo. The *Viking* had been renamed *Inca* and retained its Belize registration.

3.21 The Committee noted that the CCAMLR Vessel Database has become a resourceful tool for both the Secretariat and Members in the verification of vessels' details reported not only in connection with IUU activities but also according to the requirements of a number of conservation measures in force, such as on vessel licensing, port inspections, VMS, CDS and, when required, notifications for new and exploratory fisheries.

3.22 The Committee noted that, in accordance with Conservation Measure 10-04, 90 reports of vessel movements between areas, subareas and divisions of the Convention Area had been received. The Committee noted with satisfaction that the Republic of Korea, Japan, Poland and Ukraine had also submitted VMS reports in respect of their krill vessels on a voluntary basis.

3.23 The Chair of the Scientific Committee reported on the significant improvement in compliance of vessels with Conservation Measure 25-02, noting that in 2002/03, 14 of the 29 vessels fully complied with all elements of this measure at all times throughout the Convention Area (SC-CAMLR-XXII, Annex 5, paragraph 6.45).

3.24 The Committee noted that this was a significant improvement over the 2001/02 season and urged Members to continue their efforts in order to achieve 100% compliance of all vessels with Conservation Measure 25-02.

3.25 The Committee endorsed the advice of the Scientific Committee that an extension of the fishing season in Subarea 48.3 for those vessels with 100% compliance, if decided by the Commission, should occur in September.

3.26 New Zealand noted that the advice of the Chair of the Scientific Committee referred to paragraph 5.9 of SC-CAMLR-XXII, Annex 5, which describes the failure of one vessel to complete the mandatory research requirements of Conservation Measure 41-01. New Zealand requested the Secretariat provide the Commission during this meeting the full details of the non-compliance described in SC-CAMLR-XXII, Annex 5, paragraph 5.9.

#### Centralised Vessel Monitoring System

3.27 The Committee considered a proposal submitted by Australia, New Zealand and the USA for CCAMLR to adopt a centralised vessel monitoring system (C-VMS) to be operated by the Secretariat (CCAMLR-XXII/54 and BG/21).

3.28 Australia stated that the objectives of the C-VMS proposal were to;

- (i) promote the integrity of the CDS;
- (ii) support the effective administration of the CCAMLR conservation and management measures;
- (iii) support Flag States exercising control over their vessels;
- (iv) strengthen CCAMLR compliance framework and reduced detection and apprehension costs incurred by States in combating IUU fishing.

3.29 The proposal put forward recommended the provision of VMS data from all vessels wishing to participate in the CDS to the Secretariat located in Hobart. This data would be provided via Flag States, or directly from the vessel if the Flag State so desired. Australia, New Zealand and the USA expressed confidence that the proposal was consistent with international law.

3.30 The USA noted that the remoteness of the fishing area made C-VMS a cost-effective compliance measure and would assist Contracting Parties in focusing resources in their compliance activities.

3.31 There was general support for strengthening the VMS and many Members supported the rationale behind the proposal for a C-VMS.

3.32 Japan stated that although it sympathised with the view of Australia that some actions need to be taken outside the Convention Area in order to eradicate IUU vessels which are diminishing the effectiveness of CCAMLR conservation measures in force with regard to toothfish, Japan did not think, in light of the consistency with the rules of international law, that the Convention allows the Commission's authority to extend beyond the Convention Area. Japan also expressed its concern about possible frictions between the South East Atlantic Fisheries Organisation (SEAFO) or the soon to be established Southern Indian Ocean Fisheries Commission (SIOFC).

3.33 This statement was supported by the Russia and the Republic of Korea.

3.34 Chile expressed that there is no doubt as to the reasons behind the C-VMS proposal. Chile was in complete agreement that a break down in the current system exists. The operation of VMS has not been conducted in the way in which the Members of Commission had anticipated.

3.35 Chile also noted that it is available to provide all information that could be requested by the Secretariat for any of its vessels at any time when any problem arises within the Convention Area.

3.36 New Zealand noted that confidentiality of data was important, but expressed confidence that any concerns could be satisfied. It was also noted that the C-VMS proposal was an extension of the existing VMS and did not diminish Flag State responsibility. New Zealand also noted that C-VMS was in place in many other Regional Fisheries Management Organisations (RFMOs) and should not be considered as something new or contentious.

3.37 Chile noted that many Members of the Commission have successfully implemented CCAMLR conservation measures and that these Members should not be regarded in the same light as Members who have not demonstrated full compliance with conservation measures in force. Chile urged all Members to fully implement all conservation measures. Chile had no problems that its own national VMS was operating successfully and urged other Members to fully apply national VMS in all waters and to provide the Secretariat with technical details of their VMS systems, national VMS protocols and servicing of monitoring centres in order to ensure full compliance with Conservation Measure 10-04.

3.38 Argentina shared in general terms the views of Chile. Argentina believed that, notwithstanding the fact that there have been some infringements, the Commission should

rely on the current VMS system as well as the mechanism of enforcement and sanctioning provided by domestic legislation. The efficiency of this mechanism should be the object of further assessment.

3.39 Whilst Argentina did not favour the establishment of a C-VMS, it recalled that it applies Conservation Measure 10-04 in the Convention Area and on a voluntary basis to its flag vessels fishing on the high seas and in its jurisdictional waters, with the exception of those vessels less than 25 m in length.

3.40 Argentina believed that the treatment of confidential information was a matter of great concern and that it should be taken into account that data provided by a C-VMS could be misused for purposes other than those inherent to the multilateral regime of the Convention, enabling, for example, the development of so-called 'dual-inspections', a standing issue already discussed in previous meetings. In addition, Argentina pointed out that, in order to prevent further infringements, both the System of Inspection and the International Scheme of Scientific Observation should be strengthened.

3.41 In order to have an efficient system to deter IUU fishing, Argentina believed that further consideration could be given to the requirement that a sealed computer and GPS be on board each vessel, recording their position, course and speed at intervals to be determined, thus registering the movements of the vessel. Such information should be conveyed to the CCAMLR Secretariat by the Flag State on arrival in port so that the Secretariat would be in a position to verify the information provided under the CDS. Argentina believed that such a device would prevent misreporting and manipulation of VMS data as well as misuse of VMS information.

3.42 The Committee stressed the importance of ensuring that each Contracting Party's VMS is tamper proof. Investigation of the IUU activities of some vessels had shown that information transmitted by VMS may be tampered with by vessel operators, resulting in deliberate misreporting of vessel positions. The proposed system contains special provisions to detect tampering with VMS units.

3.43 The Committee agreed that the proposed C-VMS should fully comply with international law. The Committee also agreed that the proposed system should not lead to any devolution of Flag State responsibility as established by the UN Convention on the Law of the Sea (UNCLOS). In light of this, some Members of the Committee expressed concern with the intention to apply a C-VMS, even on a voluntary basis, for areas outside the Convention Area. The situation could be further complicated by a requirement to coordinate vessel monitoring with RFMOs (such as SEAFO) in high seas immediately to the north of the Convention Area.

3.44 The USA noted that although compliance with C-VMS in areas outside the Convention Area would be voluntary, access of toothfish to markets of some CCAMLR Members could be restricted to catches by vessels monitored by C-VMS.

3.45 The Republic of Korea noted that up to 12 of its vessels fishing in Area 41 had a low level of by-catch of toothfish. The total by-catch of toothfish by these vessels in 2002 was less than 40 tonnes. Korea requested that these vessels be excluded from a requirement to report VMS data to CCAMLR.

3.46 The USA commented that for vessels outside the Convention Area, a similar provision exists with respect to the application of the CDS for toothfish by-catch (Conservation Measure 10-05, Annex 10-05/A, paragraph A3).

3.47 Japan and the Republic of Korea noted that the proposed C-VMS should incorporate an exemption for krill fishing vessels as contained in the current VMS Conservation Measure 10-04.

3.48 Japan questioned the confidentiality of the VMS information. It stressed the possible risk of leakage of vessel-position information which would be of great value to fishing competitors, notably IUU vessels. Japan stated that the Australian proposal undertook to accommodate Japan's concerns, for which it was thankful, however, there seemed to be a need for the role and function of the CCAMLR staff officer in charge of C-VMS data to be clearly defined.

3.49 Several Members also stressed that it would be necessary to define the role and responsibilities of the Secretariat in order to guarantee confidentiality of C-VMS data. At the same time, Members believed that this task could be accomplished by the Secretariat as it has already successfully and responsibly handled other confidential CCAMLR data.

3.50 Some Members noted the financial costs which the C-VMS would impose on Members of the Commission. Members believed that measures on the elimination of IUU activities in the Convention Area, including C-VMS, are of equal concern to all Members. Members referred to a new system being developed for calculating Members' contributions which could accommodate C-VMS funding. Some Members added that these costs should be defrayed through contributions of all Members as opposed to being carried only by fishing States.

3.51 Australia expressed the belief that the proposal was inexpensive in terms of the potential benefits.

3.52 The Committee also noted that implementation of a C-VMS may require amendments to national legislation and some Members were therefore concerned that the proposed six-month implementation period from adoption might be difficult to achieve.

3.53 It was agreed that the Committee should advise the Standing Committee on Administration and Finance (SCAF), as appropriate, on budget implications of the proposed C-VMS and views expressed by Members on potential ways for financing the implementation and operation of the system.

3.54 The Committee noted the draft Conservation Measure 10-04 presented by Australia, New Zealand and the USA (Appendix IV) and recommended that the Commission undertake further work on the issue.

#### Proposal to Trial a Daily Catch Reporting System

3.55 The Committee noted CCAMLR-XXII/55 submitted by New Zealand. The paper contained a proposal to trial a daily catch and effort reporting system in Subarea 88.1 in the 2003/04 season. The Committee also noted that daily reporting will be discussed further by

the Commission as part of the development of conservation measures for exploratory fisheries in 2003/04. New Zealand noted that the Secretariat has estimated the cost of a trial daily reporting system in Subarea 88.1 in the 2003/04 season to be A\$30 000.

3.56 Russia stated that in this regard it considered the five-day reporting system to be sufficient for the purposes of the Commission. It stated further that if a decision were taken to implement a daily catch reporting system, it should then be implemented for the whole Convention Area and not only in Subarea 88.1.

### System of Inspection

3.57 The Secretariat reported that 27 inspectors had been designated by Australia, New Zealand and the UK during the 2002/03 fishing season. In total, three CCAMLR inspectors designated by the UK were deployed in Subarea 48.3 during the 2002/03 season.

3.58 During the 2002/03 season, eight inspection reports were received from CCAMLR inspectors, all designated by the UK. All inspections took place in Subarea 48.3. The vessels inspected were flagged to Chile, Japan, Russia, South Africa, Spain and the UK. No infractions were reported, except for a report in respect of the UK-flagged vessel *Argos Helena* which reported a possible minor infringement under Conservation Measure 25-02 involving line-weighting requirements.

3.59 The UK noted that the vessel may have infringed Conservation Measure 25-02, but advised that the inspector had acknowledged that difficult at-sea conditions at the time of inspection may have resulted in inaccuracies in measuring longline weights compared with results during an earlier port inspection of the vessel, as well as information from the scientific observer.

3.60 Chile reported on the progress of prosecutions taken in respect of the vessels *Chaval*, *Mar del Sur*, *Ercilla* and *Puerto Ballena* which were found to have infringed CCAMLR conservation measures in force during the period before 1996. Chile advised that no new prosecutions had been initiated since 1996.

3.61 Argentina informed the Committee that the proceeding carried out in relation to an infringement to a conservation measure and Argentine domestic legislation by the vessel *Antartic I* was concluded and that sanctions had been imposed.

3.62 At the time of adopting the Committee's report the UK reminded the Committee that, in accordance with paragraph XII of the System of Inspection, Members should submit written copies of reports about the results of prosecutions and sanctions imposed.

### Cooperation with Non-Contracting Parties

3.63 The Secretariat reported on intersessional work in relation to a number of non-Contracting Parties to CCAMLR whose vessels were reported to have engaged in IUU fishing activities in the Convention Area or which were engaged in the harvest of, or trade in, toothfish. Details of intersessional work undertaken is provided in CCAMLR-XXII/BG/17.

3.64 The Committee noted that the People's Republic of China, Mauritius, Seychelles and Singapore cooperate with CCAMLR in the implementation or partial implementation of the CDS.

3.65 The Committee noted that the Hong Kong Special Administrative Region (SAR) has not yet decided to implement the CDS although it has recently implemented trade customs codes in respect of toothfish.

3.66 The Committee noted with concern that Singapore still limits its CDS participation only to export and re-export operations and does not implement it in respect of landings. It was noted that one undocumented landing of toothfish occurred in Singapore during 2002.

3.67 The Committee noted a number of other non-Contracting Parties with flag vessels which have been reported to have engaged IUU fishing in the Convention Area. These were Belize, Bolivia, Equatorial Guinea, Ghana, St Vincent and the Grenadines and Togo.

#### Cooperation with International Organisations

3.68 The Secretariat briefly introduced several papers on cooperation with international organisations which contained information of relevance to compliance matters. Information was provided in CCAMLR-XXII/9, BG/19, BG/25 and BG/26. The Committee noted information presented in these papers, in particular that the Secretariat had tabled a CCAMLR draft plan of action to prevent, deter and eliminate IUU fishing (CCAMLR-XXII/12 Rev. 1). The draft was prepared in response to a request by the Commission (CCAMLR-XXI, paragraph 8.15).

3.69 The draft had been circulated to Members for comment (COMM CIRC 03/64) and comments had been received from the European Community (COMM CIRC 03/77 and CCAMLR-XXII/12 Rev. 1).

3.70 Whilst the Committee did not have time to consider the draft plan or attached comments in detail, it agreed that the development of such a plan remained a matter of high priority for CCAMLR.

3.71 The Committee recommended that the Commission should consider the Secretariat draft and the attached comments with a view to providing further guidance on its preparation during the forthcoming intersessional period.

#### IV. REVIEW OF THE CATCH DOCUMENTATION SCHEME

##### Operation of the Existing CDS with Paper-based Catch Documents

4.1 The Secretariat presented a report on the implementation and operation of the CDS in 2002/03 (CCAMLR-XXII/BG/18 Rev. 1).

4.2 The Committee noted that the non-participation in the CDS by Canada, a CCAMLR Contracting Party, still remains a concern. Following a decision taken by the Commission at

CCAMLR-XXI (CCAMLR-XXI, paragraphs 7.4 to 7.7), a number of Members undertook joint diplomatic action with embassies in Ottawa to persuade Canada to implement the CDS as soon as possible.

4.3 The Observer from Canada advised the Committee that Canada will be implementing the CDS in two phases: (i) the collection of data on toothfish imports will commence in January/February 2004; and (ii) at the same time, domestic regulations relating to the implementation of the CDS will be developed (approximately 8 to 12 months). By the next annual meeting, Canada will be in a position to inform CCAMLR when it will be able to implement the CDS.

4.4 It was also noted that in April 2003 the Netherlands Antilles notified that it is now implementing the CDS. At the request of the Secretariat, the Netherlands later confirmed that its accession to the Convention included the Netherlands Antilles.

4.5 In this respect Argentina stated that references to the Netherlands Antilles in CCAMLR documents should not refer to this territory as being a Contracting Party *per se*.

4.6 The Committee further noted that during the 2003 intersessional period:

- (i) no unloadings of toothfish in non-CDS participating Port States were reported;
- (ii) Bolivia, Hong Kong SAR, Indonesia, Kenya, Mozambique and Sao Tome and Principe were provided with information about the CDS and invited to join CCAMLR in its implementation;
- (iii) a number of non-Contracting Parties were identified as Port States, or States involved in the trade of toothfish and consequently invited to implement the CDS.

4.7 Several points of concern regarding the current operation of the CDS were identified by the Secretariat. Most of these have been resolved in consultation with national CDS Contact Officers.

4.8 In general, the Committee agreed that in order to maintain the required performance some CDS procedures should be improved (see paragraphs 4.23 to 4.25).

#### Annual CDS Summary Reports

4.9 The CDS Summary report for 2003 was submitted in SCIC-03/7. The format and content of the summary was improved as agreed by the Commission last year (CCAMLR-XXI, paragraph 7(i)).

4.10 The Secretariat drew to the attention of the Committee that in accordance with standard trade data reporting practices, the period used for CDS reporting is the calendar year. Therefore, the dataset presented for 2003 is incomplete. Furthermore, some CDS data received and entered into the CDS database in the most recent months of 2003 have not yet been validated.



4.11 Since 2002, new requirements for data originators to report more detail in the 'area caught' field on the catch document has resulted in an increase in records which report fishing in more than one subarea. This created an additional source of uncertainty in reporting the weight of landed fish together with subsequent exports and imports.

4.12 National trade statistics, where available, had also been collected by the Secretariat. Statistics had been collected for the USA, Canada, European Community and Japan. It was noted that differences in reporting periods, sources, definitions of exporters and importers, species identification and the failure to use harmonised custom codes may result in major discrepancies between national trade statistics and CDS data. A number of other sources of such discrepancies had also been mentioned at the meeting of ad hoc JAG held on 23 and 24 October 2003.

#### Publication of CDS Summary Data

4.13 At CCAMLR-XXI, the Commission agreed that a standard set of summary CDS data should be developed and this should be annually published by the Secretariat as part of the *Statistical Bulletin* or placed on the CCAMLR website. The development of such a dataset should involve consultations with other international organisations in order to obtain their views on what type of data reporting they might require for their work (CCAMLR-XXI, paragraph 7.11(ii)).

4.14 The Secretariat subsequently prepared a draft content and format of CDS summary statistics for publication in the *CCAMLR Statistical Bulletin*. As requested, it was forwarded for comments to the following international and non-governmental organisations: FAO, SEAFO, ICCAT, IATTC, IOTC, CCSBT, SCAR, IUCN, UNEP, WTO and ASOC.

4.15 These organisations were requested to respond by 1 September 2003. However, only one response had been received from IATTC by that time, to advise that it had no comment. Subsequently no more changes have been made to the original draft. This was presented in SCIC-03/8.

4.16 The Committee noted that by the time of CCAMLR-XXII, comments were also received from IUCN (CCAMLR-XXII/BG/26).

4.17 The Committee was not able, within the time available, to consider the proposed draft. It was agreed that the proposed draft content and format for publication of CDS summary statistics should be discussed by the Commission at its current meeting.

#### Draft Rules of Access to and Use of CCAMLR Data

4.18 The Committee noted that the Secretariat had tabled papers dealing with revision of the general rules of access to and use of CCAMLR data (CCAMLR-XXII/8 Rev. 1) and on CCAMLR data handling and security (CCAMLR-XXII/13). Both papers were produced in response to requests from the Commission at its last meeting (CCAMLR-XXI, paragraphs 4.67, 4.68 and 4.70 respectively).

4.19 The Committee also noted the ‘Current Rules of Access to Catch Documentation Scheme Data’ (SCIC-03/09).

4.20 New Zealand had provided comments in support of the Secretariat’s paper (CCAMLR-XXII/8 Rev. 1, Attachment).

4.21 The draft rules had also been referred to WG-EMM, WG-FSA and the Scientific Committee for comment. At the time of the Committee’s meeting, only WG-EMM had considered the matter (SC-CAMLR-XXII, Annex 4, paragraphs 7.15 to 7.17) and offered no substantive comment.

4.22 Taking the above into account, the Committee agreed that further development of the draft rules may be necessary. Under these circumstances, it also advised the Commission that account would need to be taken of the ‘Current Rules of Access to Catch Documentation Scheme Data’ (SCIC-03/09) to ensure that their provisions were taken into consideration in any future elaboration of the rules.

#### Proposals for Improving Operation of CDS

4.23 At CCAMLR-XXI, the Commission agreed that catch document validation and verification procedures should be standardised for all Parties to the CDS at all points of the trade cycle (CCAMLR-XXI, paragraph 7.11(ix)).

4.24 The Committee considered a number of proposals for improving operation of the CDS submitted by the USA (SCIC-03/6). In particular, the USA noted two examples outlined in CCAMLR-XXII/BG/17 ‘Cooperation with Non-Contracting Parties on the Implementation of the CDS and IUU-related Measures’ which illustrated the need for the proposed changes to Conservation Measure 10-05 concerning the landing authority within a port that has implemented the CDS.

4.25 The Committee was not able, within the time available, to consider the proposed draft in full. After consultation, the Committee agreed on a proposed amendment to Conservation Measure 10-05 which would clarify certification procedures for landings and could be further developed at this Commission meeting (Appendix IV). The proposal would require amendments to Conservation Measure 10-05, Annex 10-05/A, paragraphs A5(ii, iii) and A9(i, ii). The Committee agreed to recommend to the Commission that this matter be further considered.

#### Electronic Web-based CDS Development and Trial

4.26 The Secretariat presented a report on the development and trial of the electronic web-based CDS (E-CDS) (CCAMLR-XXII/53). This system was developed using software specifically written and for which the Secretariat has proprietary rights. The E-CDS program comprises a module for the issue of and access to electronic *Dissostichus* catch documents (E-DCDs) via a web interface. This system also used a 128 bit secure socket layer (SSL) encryption process, equivalent to that used by banking websites.

4.27 E-CDS participants had been selected so as to represent many different scenarios of landing/transshipment/trade (CCAMLR-XXI, paragraph 7.18). The following Members were selected and invited to take part in the trial:

- Flag States: Australia, Chile, South Africa and the UK (overseas territories);
- Port/Export States: Australia, Chile, South Africa, Spain and the UK (overseas territories);
- Import States: Japan and the USA.

However, for operational reasons, some of the selected Members were not able to participate in the trial.

4.28 Feedback from participants in the trial was generally positive, with E-CDS users finding it no more difficult than the paper-based CDS system.

4.29 The Committee agreed to a number of improvements to the E-CDS system. These include:

- developing means for automatic notification of relevant CDS Contact Officers in the next link in the trade chain for each of the DCD operations involved;
- the inclusion of all national customs codes used in the trade of toothfish;
- expansion of language options to cover French and Russian;
- translation of the *E-CDS User Manual* into French, Russian and Spanish.

#### Establishment of a Full-scale E-CDS

4.30 The Committee considered the results of the trial and felt that the period the E-CDS was in operation and limited number of landing, transshipment, export and import operations processed were insufficient in order to recommend a full-scale implementation of the system.

4.31 The Committee agreed to recommend to the Commission that the trial period continue for another year, with all Parties wishing to participate being involved.

4.32 At the same time, the Committee recommended that the Commission and SCAF approve a proposed budget for continued development of E-CDS and hardware requirements as detailed in CCAMLR-XXII/53.

## V. SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

5.1 A summary of all scientific observation programs undertaken in accordance with the scheme was given in SC-CAMLR-XXII/BG/16.

5.2 A total of 37 longline and 10 trawl finfish cruises had been conducted within the Convention Area during the 2002/03 season, with national and international scientific observers on board all vessels. A further six observation programs had been conducted on board trawl vessels fishing for krill in Subarea 48.3.

5.3 The Committee noted the advice from the Scientific Committee on a number of improvements to observer logbooks and the cruise report format.

## VI. OTHER BUSINESS

6.1 New Zealand requested that the Secretariat record the details of vessels notified as intending to participate in new and exploratory fisheries and the dates on which these details were received. New Zealand requested that this information be provided to the Commission at this meeting.

6.2 Argentina stated that it reserves its legal position with respect to the incorrect references made at the Committee's meeting, both in documents and in presentations, made to the territorial status of the Malvinas, South Georgia and the South Sandwich Islands. Argentina reasserted its sovereignty rights over these islands and the surrounding maritime areas.

6.3 The UK had noted Argentina's statements relating to references in SC-CAMLR-XXII, Annex 5, and elsewhere. The UK position on this issue is well known: the UK has no doubts about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.

6.4 Argentina rejected the views expressed by the UK and reiterated its position.

## VII. ELECTION OF THE VICE-CHAIR OF THE COMMITTEE

7.1 Australia nominated Ms V. Carvajal (Chile). This was supported by Argentina, New Zealand and Spain.

## VIII. ADVICE TO THE COMMISSION

8.1 A summary of advice to the Commission is given below. It should be read in conjunction with the report.

8.2 The Committee made the following recommendations that the Commission:

Impact of continued IUU activities in the Convention Area –

- (i) note estimates of IUU catches prepared by the Secretariat as reviewed and commented on by the Scientific Committee (paragraph 2.12);

- (ii) endorse the Scientific Committee's request that Members continue to take urgent action to prevent seabird mortality in unregulated vessels in the forthcoming season (paragraph 2.13);

Proposed IUU Vessel Lists for Contracting and non-Contracting Party Vessels –

- (iii) remove vessels from the lists as recommended in paragraphs 2.22, 2.31, 2.43 and 2.55;
- (iv) retain vessels on the lists as recommended in paragraphs 2.26, 2.35, 2.40, 2.59, 2.65 and 2.68;
- (v) consider the status of vessels for which the Committee failed to make recommendations (paragraphs 2.47, 2.53 and 2.71);
- (vi) consider for approval the Proposed IUU Vessel Lists (paragraph 2.72);
- (vii) note the names of vessels listed in paragraphs 2.75 to 2.77 and request Members to pay particular attention to their future activities (paragraph 2.74);
- (viii) urge Parties to make all vessel information available promptly and in written form in respect of proposals for future revisions of vessel lists (paragraph 2.81);

Review of compliance and implementation-related measures and policies –

- (ix) adopt terms of reference proposed by ad hoc JAG for consideration of two main tasks on total removal of toothfish and compliance with conservation measures subject to specific recommendations of the Committee (paragraph 3.9);
- (x) urge Members to continue their efforts in order to achieve 100% compliance by all vessels with Conservation Measure 25-02 (paragraph 3.24);
- (xi) endorse the advice of the Scientific Committee that the extension of the fishing season in Subarea 48.3 for those vessels with 100% compliance should occur in September (paragraph 3.25);
- (xii) further develop a proposal for a C-VMS taking into account budget implications for its implementation and operation (paragraphs 3.53 and 3.54);

Cooperation with international organisations –

- (xiii) consider the draft CCAMLR plan of action to prevent, deter and eliminate IUU fishing prepared by the Secretariat and provide further guidance for its production (paragraph 3.71);

Review of the CDS –

- (xiv) discuss the content and format of draft CDS summary statistics for publication in the *CCAMLR Statistical Bulletin* (paragraph 4.17);

- (xv) ensure that the provisions of the current Rules for Access to CDS data be taken into account in preparing draft Rules of Access to and Use of CCAMLR Data (paragraph 4.22);
- (xvi) consider further a proposal for the revision of Conservation Measure 10-05, Annex 10-05/A, paragraphs A5(ii, iii) and A9(i, ii) (paragraph 4.25);
- (xvii) extend the trial period of the E-CDS for another year and endorse any additional expenses associated with the trial (paragraphs 4.31 and 4.32).

## IX. ADOPTION OF REPORT AND CLOSE OF MEETING

9.1 The Report of SCIC was adopted and the meeting closed. The Chair thanked the Committee for its excellent work during the week and also thanked the Secretariat. The Committee thanked the Chair and commended him for his efforts and hard work.

**AGENDA**

Standing Committee on Implementation and Compliance (SCIC)  
(Hobart, Australia, 27 to 31 October 2003)

1. Opening of the meeting
  - (i) Adoption of Agenda
  - (ii) Organisation of the Meeting
2. Reports received on Compliance and Implementation
  - (i) Reports under Articles X, XXI, XXII and XXIV
  - (ii) Reports under the System of Inspection
  - (iii) Reports under Compliance-related Conservation Measures
  - (iv) Cooperation with International Organisations
  - (v) Cooperation with Non-Contracting Parties
3. IUU Fishing in the Convention Area
  - (i) Current Level of IUU Fishing
  - (ii) Procedure for Estimation of IUU Catches
  - (iii) IUU Vessel Lists
  - (iv) Advice to the Commission
4. Review of Compliance and Implementation-related Measures and Policies
  - (i) Compliance Evaluation Procedure
  - (ii) Conservation Measures in Force
  - (iii) System of Inspection
  - (iv) Cooperation with Non-Contracting Parties
  - (v) Cooperation with International Organisations
  - (vi) Advice to the Commission
5. Review of the Catch Documentation Scheme (CDS)
  - (i) Operation of the Existing CDS with Paper-based Catch Documents
  - (ii) E-CDS Development and Trial
  - (iii) Establishment of a Full-scale E-CDS
  - (iv) Advice to the Commission
6. Scheme of International Scientific Observation
  - (i) Advice from the Scientific Committee
  - (ii) Review of Operational Requirements of the Scheme
  - (iii) Advice to the Commission
7. Election of the Vice-Chair of the Committee
8. Agenda for the Next Meeting

9. Other Business
10. Advice to the Commission
11. Adoption of the Report
12. Close of the Meeting.



### LIST OF DOCUMENTS

Standing Committee on Implementation and Compliance (SCIC)  
(Hobart, Australia, 27 to 31 October 2003)

SCIC-03/1	Agenda
SCIC-03/2	SCIC Terms of Reference Secretariat
SCIC-03/3	List of Documents
SCIC-03/4	Reports of CCAMLR inspectors submitted in accordance with the CCAMLR System of Inspection for 2002/03 Secretariat
SCIC-03/5 Rev. 1	Estimation of IUU catches of <i>Dissostichus</i> spp. taken inside the Convention Area during the 2002/03 fishing season Secretariat
SCIC-03/6	Standardisation of catch document validation and verification procedures Delegation of the USA
SCIC-03/7	Annual summary reports under Conservation Measure 10-05 (2002) Secretariat
SCIC-03/8	Publication of CDS summary statistics in the <i>CCAMLR Statistical Bulletin</i> Secretariat
SCIC-03/9	Current rules for access to Catch Documentation Scheme data Secretariat
SCIC-03/10	Fiscalizacַone del cumplimiento de las medidas de conservaci6n y resoluciones vigentes de la CCRVMA temporada 2003 Chile
SCIC-03/11	Aplicaci6n del Sistema de Documentaci6n de capturas de <i>Dissostichus</i> spp. en Chile. Aplicaci6n de la MC 10-05/XXI de la CCAMLR Chile

SCIC-03/12	Report on calls of toothfish fishing vessels and transshipment of toothfish in Mauritius Republic of Mauritius
SCIC-03/13 Rev. 1	Ad Hoc Joint Assessment Group, 2003 23 and 24 October 2003, Hobart, Australia
SCIC-03/14	Offal in toothfish stomachs in Subarea 88.1 Delegation of New Zealand
SCIC-03/15	IUU vessels draft list Delegation of the Russian Federation
SCIC-03/16	Provisional IUU vessel list Information from the Netherlands
SCIC-03/17	Information received from Mozambique Delegation of the European Community
SCIC-03-18	Additional information for the Provisional IUU Vessel List of Contracting Parties and the Proposed List of Non-Contracting Party Vessels Delegation of France

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Other Documents

CCAMLR-XXII/8 Rev. 1	Draft Rules of Access to and Use of CCAMLR Data Secretariat
CCAMLR-XXII/9	Cooperation between CCAMLR and CITES Secretariat
CCAMLR-XXII/12 Rev. 1	Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) draft plan of action to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing Secretariat
CCAMLR-XXII/13	CCAMLR data handling and security Secretariat
CCAMLR-XXII/47	Provisional lists of IUU vessels prepared in accordance with Conservation Measures 10-06 and 10-07 Secretariat

CCAMLR-XXII/52	Assessing the compliance of fishing vessels with conservation measures Delegation of the European Community
CCAMLR-XXII/53	Development and trial of the electronic web-based CDS Secretariat
CCAMLR-XXII/54	A proposal to establish a CCAMLR centralised vessel monitoring system (cVMS) Delegations of Australia, New Zealand and the USA
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CCAMLR-XXII/BG/4	Report of attendance at the Twenty-fifth Meeting of the FAO Committee on Fisheries (COFI) and the Third Meeting of Regional Fisheries Bodies (RFBs) Executive Secretary
CCAMLR-XXII/BG/8 Rev. 1	Implementation of fishery conservation measures in 2002/03 Secretariat
CCAMLR-XXII/BG/10	Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet pour la saison 2002/2003 (1er juillet 2002 – 30 juin 2003) Informations générales sur la zone CCAMLR 58 Délégation française
CCAMLR-XXII/BG/16	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2002/03 Secretariat
CCAMLR-XXII/BG/17	Cooperation with non-Contracting Parties on the implementation of CDS and IUU-related measures Secretariat
CCAMLR-XXII/BG/18	Implementation and operation of the Catch Documentation Scheme in 2002/03 Secretariat
CCAMLR-XXII/BG/20	Illegal, unregulated, unreported Patagonian toothfish catch estimate for the Australian EEZ around Heard and McDonald Island – 1 December 2002 to 10 October 2003 Delegation of Australia
CCAMLR-XXII/BG/21	Functional specifications for a CCAMLR centralised vessel monitoring system (cVMS) Delegations of Australia, New Zealand and the USA

- CCAMLR-XXII/BG/23 Additional information for Provisional IUU Vessel List of Contracting Parties  
Delegation of the European Community
- CCAMLR-XXII/BG/24 Additional information for Proposed IUU Vessel List of non-Contracting Parties  
Delegation of the European Community
- CCAMLR-XXII/BG/28 Monitoring of toothfish fishing vessels calling at Port Louis  
Submitted by the Republic of Mauritius
- CCAMLR-XXII/BG/34 Project funding proposal for the establishment of a centralised vessel monitoring system (cVMS)  
Delegations of Australia, New Zealand and the USA  
\*\*\*\*\*
- SC-CAMLR-XXII,  
Annex 5  
(SC-CAMLR-XXII/4) Report of the Working Group on Fish Stock Assessment  
(Hobart, Australia, 13 to 23 October 2003)  
  
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- SC-CAMLR-XXII/BG/16 Summary of scientific observation programmes during the 2002/03 season  
Secretariat

**PROPOSED LISTS OF CONTRACTING  
AND NON-CONTRACTING PARTY VESSELS  
(CONSERVATION MEASURES 10-06 AND 10-07)**

**PROPOSED LIST OF CONTRACTING PARTY VESSELS (CONSERVATION MEASURE 10-06)**

Current Name	Current Flag	Lloyds/IMO Number	Vessel Name at Time of Incident	Flag at Time of Incident	Call Sign at Time of Incident	Nature of Activity	Date of Incident	Conservation Measure Applied	SCIC Deliberations
<i>Santo Antero</i>	European Community (Portugal)	9030292	<i>Santo Antero</i>	European Community (Portugal)	CUIX	Undocumented transshipment	21 Feb 02, 6 Mar 02	10-06	Delete from list
<i>Lena</i>	De-flagged	unknown	<i>Lena</i>	Russia	UBXW	Apprehended 58.5.2	6 Feb 02	10-06	Delete from list
<i>Eternal</i>	De-flagged	8608470	<i>Eternal</i>	Netherlands (Netherlands Antilles)	unknown	Reported 58.4.2 Apprehended 58.5.1	10 Jan 01 19 Jul 02	10-06	Retain on list
<i>Lugalpesca</i>	Uruguay	unknown	<i>Lugalpesca</i>	Uruguay	CXYT	Reported 58.5.1 Sighted in 58.5.1	1 Dec 02 4 Jun 03	10-06	Retain on list
<i>Viarsa I</i>	Uruguay	8011335	<i>Viarsa I</i>	Uruguay	CXYU	Apprehended 58.5.2	7 Aug 03	10-06	Retain on list
<i>Volga</i>	Russia	unknown	<i>Volga</i>	Russia	UBXH	Apprehended 58.5.2	7 Feb 02	10-06	No consensus to delete from list
<i>Strela</i>	Russia	8924288	<i>Strela</i>	Russia	unknown	Undocumented landing Sighted 58.5.2	Sep 02	10-06	No consensus to delete from list
<i>Zarya</i>	Russia	9262376	<i>Zarya</i>	Russia	UCLC	Undocumented landing	Sep 02	10-06	No consensus to delete from list

**PROPOSED LIST OF NON-CONTRACTING PARTY VESSELS (CONSERVATION MEASURE 10-07)**

Current Name	Current Flag	Lloyds/IMO Number	Vessel Name at Time of Incident	Flag at Time of Incident	Call Sign at Time of Incident	Nature of Activity	Date of Incident	Conservation Measure Applied	SCIC Deliberations
<i>Osiris</i>	France	unknown	<i>Lince</i>	Seychelles	S70K	Apprehended 58.5.1	13 Jan 03	10-07	Delete from list
<i>Alos</i>	Ghana	7388267	<i>Lena/Alos</i>	Seychelles/ Ghana	Possibly S7PM	Reported 58.6/58.5.1 Sighted 58.5.2	21 Dec 02 21 Sep 03	10-07	Retain on list
<i>Magnus</i>	St Vincent & the Grenadines	7322897?	<i>Dorita</i>	Uruguay	CXMX	Sighted 58.4.2	9 Jan 02	10-06	Retain on list
<i>Lucky Star</i>	Ghana	7930034	Praslin	Seychelles	unknown (ex S7ME)	Sighted 58.5.1 Undocumented landing	21 Dec 02 24 Feb 03	10-07	Retain on list
<i>Lome</i>	Togo	7036345	<i>Lome/Noemi</i>	Belize	V3QW2	Sighted 58.5.1 Undocumented landing, had been inside 58.5.1	21 Oct 03 24 Sep 02	10-07	Retain on list
<i>Notre Dame</i>	Bolivia	unknown	<i>Notre Dame</i>	Bolivia	CDB-536	Undocumented landing	14 Mar 02	10-07	Retain on list
<i>Inca</i>	Belize	6818930	<i>Viking</i>	Seychelles	S70L	Refuelled <i>Lince</i>	Jan 03	10-07	No consensus to delete from list

**DRAFTS OF PROPOSED CONSERVATION MEASURES 10-04 AND 10-05**



**DRAFT CONSERVATION MEASURE 10-04**  
**Automated Satellite-Linked Vessel Monitoring System (VMS)**

1. Each Contracting Party shall ensure that its fishing vessels licensed in accordance with Conservation Measure 10-02 and/or implementing the Catch Documentation Scheme under Conservation Measure 10-05 are equipped with a satellite monitoring device allowing for the continuous reporting of their position for the duration of the licence issued by the Flag State. The satellite monitoring device shall automatically communicate at least every two hours to a land-based fisheries monitoring centre (FMC) of the Flag State of the vessel the following data:
  - (a) fishing vessel identification;
  - (b) the current geographical position (latitude and longitude) of the vessel, with a position error which shall be less than 500 m, with a confidence interval of 99%;
  - (c) the date and time (expressed in UTC) of the fixing of the said position of the vessel;
  - (d) the speed and course of the vessel.
2. Each Contracting Party shall ensure that the satellite monitoring device(s) on board vessels are tamper proof, i.e. are of a type and configuration that prevent the input or output of false positions, and that are not capable of being over-ridden, whether manually, electronically or otherwise. [specifications to be added if possible]
3. A Contracting Party shall not issue licences under Conservation Measure 10-02 and/or issue catch documents under Conservation Measure 10-05 unless a satellite monitoring device on board complies with paragraphs 1 and 2 in their entirety.
4. Each Contracting Party shall ensure that its FMC receives Vessel Monitoring System (VMS) reports and messages and that the FMC is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Each Contracting Party shall provide for backup and recovery procedures in case of system failures.
5. Masters and owners/licensees of fishing vessels subject to VMS shall ensure that the satellite monitoring device on board their vessels is at all times fully operational and that the data referred to in paragraph 1 are transmitted to the Flag State. Masters and owners/licensees shall in particular ensure that:
  - (a) VMS reports and messages are not altered in any way;
  - (b) the antennae connected to the satellite monitoring device are not obstructed in any way;
  - (c) the power supply of the satellite monitoring device is not interrupted in any way;
  - (d) the satellite monitoring device is not removed from the vessel.

6. The satellite monitoring device shall be active at all times for the duration of the licence issued by the Flag State. It may, however, be switched off when the fishing vessel is in port for a period of more than one week, subject to prior notification to the Flag State and providing that the first position report generated following the repowering (activating) shows that the fishing vessel has not changed position compared to the last report.
7. In the event of a technical failure or non-functioning of the satellite monitoring device on board the fishing vessel, the master or the owner of the vessel or their representative shall communicate to the Flag State every four hours, starting at the time that the failure or the non-functioning was detected or notified in accordance with paragraph 9, the up-to-date geographical position of the vessel by electronic means (email, fax, telex, telephone message, radio).
8. Vessels with a defective satellite monitoring device shall take immediate steps to have the device repaired or replaced as soon as possible and, in any event, within two months. If the vessel during that time returns to port, it shall not be allowed by the Flag State to commence a further fishing trip without having the defective device repaired or replaced.
9. When a Contracting Party has not received for 12 hours data transmissions referred to in paragraphs 1 and 7, or has reasons to doubt the correctness of the data transmissions under paragraphs 1 and 7, it shall as soon as possible notify the master or the owner or the representative thereof. If this situation occurs more than three times within a period of one year in respect of a particular vessel, the Contracting Party of the vessel shall have the satellite monitoring device of the vessel in question checked and shall investigate the matter in order to establish whether the equipment has been tampered with.
10. Each Contracting Party shall, as soon as possible but not later than two hours after receipt, forward reports and messages received pursuant to paragraphs 1 and 7 to the CCAMLR Secretariat in respect of its vessels fishing pursuant to authorisation to fish in the Convention Area and/or implementing the catch documentation scheme under Conservation Measure 10-05. If the Contracting Party so desires, it shall ensure that each of its fishing vessels communicates these reports in parallel to the CCAMLR Secretariat.
11. Each Contracting Party shall ensure that reports and messages transmitted by the Contracting Party or its fishing vessels to the CCAMLR Secretariat, are in a computer-readable form in the data exchange format set out in Annex 1 (annex to be developed).
12. Each Contracting Party shall in addition notify the CCAMLR Secretariat as soon as possible of each entry to and exit from the Convention Area by each of its fishing vessels.
13. Each Contracting Party shall notify the name, address, email, telephone, facsimile numbers as well as the address of electronic communication of their relevant authorities of their FMC to the CCAMLR Secretariat before 1 January 2004 and thereafter any changes without delay.

14. In the event that the CCAMLR Secretariat has not for [48] consecutive hours received the data transmissions referred to in paragraph 10, it shall promptly notify the Contracting Party of the vessel and require an explanation. The CCAMLR Secretariat shall promptly inform the Commission if the data transmissions at issue are not received within [48] hours of the notification of the Flag State.
15. The CCAMLR Secretariat shall treat all messages and reports received under paragraph 10 in a confidential manner in accordance with the confidentiality rules established by the Commission. Data from individual vessels shall be used for compliance purposes only and shall be made available to a Contracting Party other than the Flag State only for patrol and/or inspections and for the purposes of verifying the content of a *Dissostichus* catch document.
16. The CCAMLR Secretariat shall place a list of vessels submitting reports and messages pursuant to this conservation measure on a password-protected section of the CCAMLR website. This list shall be divided into subareas and divisions, without indicating the exact position of the vessel, and be updated on a regular basis. If a Contracting Party sights a vessel within the Convention Area which either does not appear in this list or is listed as fishing outside the Convention Area, the Contracting Party shall immediately notify the CCAMLR Secretariat, which shall inform the Flag State.
17. The CCAMLR Secretariat shall annually before 30 September report on the implementation of this conservation measure to the Commission.
18. Each Contracting Party shall pay its costs associated with this conservation measure.

**DRAFT CONSERVATION MEASURE 10-05**  
**Catch Documentation Scheme for *Dissostichus* spp.**  
**Annex 10-05/A**

- A5. The master of a vessel that has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures immediately after each landing or transshipment of *Dissostichus* spp.:
- (i) in the case of a transshipment, the master shall confirm the transshipment obtaining the signature on the *Dissostichus* catch document of the master of the vessel to which the catch is being transferred;
  - (ii) in the case of a landing, the master or authorised representative shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official at **of the port of landing or free trade zone who is authorised and competent with regard to the examination of goods landed, imported, exported and re-exported;**
  - (iii) in the case of a landing, the master or authorised representative shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade zone;
  - (iv) in the event that the catch is divided upon landing, the master or authorised representative shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.
- A9. The master of a vessel to which catch has been transhipped (receiving vessel) shall adhere to the following procedures immediately after each landing of such catch in order to complete each *Dissostichus* catch document received from transshipping vessels:
- (i) the master of the receiving vessel shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official at **of the port of landing or free trade zone who is authorised and competent with regard to the examination of goods landed, imported, exported and re-exported;**
  - (ii) the master of the receiving vessel shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade zone;
  - (iii) in the event that the catch is divided upon landing, the master of the receiving vessel shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.