

**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 2008.

1.2 The Chair of SCIC, Ms V. Carvajal (Chile), opened the meeting and all Members of the Commission participated. No Members invoked a ruling in accordance with Rule 32(b) of the Commission Rules of Procedure. Therefore, all observers invited by the Commission to participate at CCAMLR-XXVII were welcomed and invited to participate in the meeting of SCIC as appropriate.

1.3 The Committee noted with appreciation that the meeting of SCIC was, for the first time, interpreted into all four languages of the Commission.

1.4 The Committee considered and adopted the Provisional Agenda. The adopted Agenda and the List of Documents are provided in Appendices I and II respectively.

1.5 The Secretariat advised the Committee that papers submitted directly to SCIC had been made available to delegates electronically via the meeting server. No Members objected to this procedure.

### **II. REVIEW OF COMPLIANCE AND IMPLEMENTATION-RELATED MEASURES AND POLICIES**

#### **System of Inspection**

2.1 During the 2007/08 intersessional period, a total of 65 inspectors were designated by Australia, Chile, France, New Zealand and the UK. A total of 12 at-sea inspections were conducted; 11 by UK-designated CCAMLR inspectors in Subarea 48.3 and one by a French CCAMLR inspector in Division 58.5.1. The reports submitted by inspectors contained no incidents of infractions with CCAMLR measures.

2.2 Argentina informed the Committee that it had initiated proceedings against one vessel which had been reported not to have met the requirements of the tagging program during the 2006/07 fishing season.

2.3 There were no other reports submitted by Members in respect of prosecutions or sanctions during the 2007/08 intersessional period.

## Reports on compliance with conservation measures

### Tagging

2.4 SCIC considered information from scientific observer reports on the tagging program during the 2007/08 season (CCAMLR-XXVII/BG/8) as well as advice from the Scientific Committee and noted, in particular, the variability in vessel-specific tagging rates contained in SC-CAMLR-XXVII, Annex 5, Figure 4.

2.5 The Committee noted that the Scientific Committee is increasingly reliant on tagging data for the development of the models and assessments used by the Commission and that this requires a high level of compliance with the requirements of the tagging program by all vessels in the Convention Area. Non-compliance with the tagging program compromises the Scientific Committee's capability to develop assessments for exploratory fisheries.

2.6 The Committee recalled that it is the responsibility of the Flag State to ensure compliance with Annex 41-01/B of Conservation Measure 41-01. The Committee also recalled that low tagging rates by some vessels had been identified last year and expressed its concern that the problem persisted (CCAMLR-XXVI, Annex 5, paragraphs 6.6 to 6.10).

2.7 The Committee noted that a number of vessels had failed to achieve required tagging rates during the 2007/08 season:

- (i) *Insung No. 1* (Republic of Korea) in Division 58.4.1
- (ii) *Insung No. 2* (Republic of Korea) in Division 58.4.1
- (iii) *Antillas Reefer* (Namibia) in Divisions 58.4.1 and 58.4.3b
- (iv) *Banzare* (Uruguay) in Division 58.4.1
- (v) *Ross Star* (Uruguay) in Subarea 88.2
- (vi) *Yantar* (Russia) in Subarea 88.2
- (vii) *Antartic III* (Argentina) in Subarea 88.1.

2.8 Uruguay informed the Committee of difficulties it had experienced in implementing the tagging program in Division 58.4.1 as it had been unable to catch sufficient numbers of toothfish suitable for tag and release (WG-FSA-08/16). Uruguay nevertheless expressed its concern and advised SCIC of its intention to follow up the issue.

2.9 Several Members reiterated the importance of the tagging program and urged all Members to ensure full compliance with it. With reference to CCAMLR-XXVII/BG/22, Australia also recommended that SCIC should continue to consider this kind of information and make decisions and recommendations as appropriate with regard to non-compliance with the tagging program. The Committee agreed to draw to the attention of the Commission the continuing problem of lack of compliance with the tagging requirement. The Committee agreed that the non-availability of fish to be tagged should be recorded in the observer's report whenever it occurs. In the absence of such information the percentage of fish in good condition should be deemed adequate.

## Notifications of exploratory and krill fisheries

2.10 The Committee considered notifications for krill and exploratory fisheries as provided in CCAMLR-XXVII/11 and 12 respectively.

2.11 The Committee noted an informal table set up by Australia identifying notifications which had been submitted with incomplete or missing data. The Committee recalled that the Commission had previously agreed that future notifications for exploratory fisheries would not be considered if they were incomplete (CCAMLR-XXIV, paragraph 6.7(iii)). The Secretariat was requested to set up such a table of vessel notifications, distinguishing between that information which was mandatory to provide and that which was to be provided as far as was practicable and note any missing data. The Secretariat should, in future, circulate this information well in advance of the annual meeting in order for Members to have the opportunity to rectify any omissions, properly review it and determine appropriate action at the next meeting.

2.12 The Committee noted the increasing number of notifications of intent to participate in krill fisheries and recognised the burden that processing these notifications placed on the Commission, the Scientific Committee and the Secretariat, particularly as many of the vessels concerned had not subsequently fished. The Committee noted that the high level of notifications which were subsequently withdrawn was resulting in an overestimate of future catches which created a misleading impression that the trigger level in the krill fishery would be reached in the following season.

2.13 The Committee agreed that it would be desirable if the requirements for notifying intent to participate in krill fisheries were improved. The Committee also considered whether an administration fee for processing the notifications should be required as part of the krill notification procedure, as is the case with new and exploratory fishery notifications.

2.14 Japan pointed out that SCIC could not decide on matters in relation to administration and finance. Japan also noted that Members' contributions are already linked to catch levels and therefore Members which catch krill are already contributing additional funds to the Commission. Japan believed that Parties which submitted a notification but did not harvest should be required to pay.

2.15 New Zealand pointed out that a large number of notifications which were subsequently withdrawn had been received from non-Members, which do not contribute by way of membership fees.

2.16 The USA noted that since the contribution formula for Member harvests was last revised by the Commission, the commercial value of krill and the impacts of the total krill catch on the Antarctic ecosystem have increased significantly. As a consequence, the USA suggested that the Commission direct SCAF to consider at its 2009 meeting a revision to the formula as it related to the krill catch.

2.17 With respect to the problem of overestimation of future krill catch, the USA expressed its support for a fee system which could serve as a disincentive to overestimation and urged Members to work closely with their fishers to assure more realistic estimates of catch in krill notifications.

2.18 The Committee agreed to refer the matter to the Commission for further consideration during its discussion on proposals from Australia and Japan in relation to krill notifications (paragraphs 2.64 and 2.65 below) and participation in the krill fishery.

#### Conservation Measures 25-02, 25-03 and 26-01

2.19 The Committee considered summaries of information provided by the Scientific Committee and the Secretariat regarding international scientific observer reports on vessels' conformity with Conservation Measures 25-02, 25-03 and 26-01.

2.20 The Committee noted that Scientific Committee and Secretariat reports indicated that a number of vessels had not complied with mitigation and environmental measures during the 2007/08 fishing season.

2.21 Vessels which were reported to have not complied with Conservation Measure 25-02 during the 2007/08 season were:

- (i) *Viking Bay* (Spain) which had discharged hooks in offal;
- (ii) *Koryo Maru 11* (South Africa) and *Hong Jin No. 707* (Republic of Korea) which exceeded the maximum spacing between weights on longlines;
- (iii) *Insung No. 1* (Republic of Korea) and *Antartic III* (Argentina) which used streamers that did not meet the minimum length specified;
- (iv) *Punta Ballena* (Uruguay) which did not use haul-scaring devices on all hauls.

2.22 Vessels which were reported to have not complied with Conservation Measure 25-03 during the 2007/08 season were:

- (i) *Maksim Starostin* (Russia), which used a net monitor cable during one krill trawl;
- (ii) *Dalmor II* (Poland) which discharged offal during net hauling while trawling for krill.

2.23 Vessels which were reported to have not complied with Conservation Measure 26-01 during the 2007/08 season were:

- (i) *Antarctic Bay* (Chile), *Argos Froyanes* (UK), *Austral Leader II* (Australia), *Koryo Maru 11* (South Africa) and *Shinsei Maru No. 3* (Japan) which had plastic packaging bands to secure bait boxes on board during cruises in the Convention Area;
- (ii) *Koryo Maru 11* (South Africa) and *Viking Bay* (Spain) which had generated gear debris and *Viking Bay* (Spain) which had discharged garbage.

2.24 The European Community noted that the observer on board the *Dalmor II* had reported that the vessel had discharged offal due to accidents and technical problems (SC-CAMLR-XXVII, Annex 6, paragraph 2.47).

2.25 Australia agreed that it was unacceptable to have bait box packaging bands on board but explained that the bait boxes on *Austral Leader II* were falling apart due to repeated loading and offloading. The vessel had commenced its trip from a New Zealand port and, with the prior knowledge of the observer, plastic bands were used to hold the bait boxes together. Australia advised SCIC that the bands had been kept inside the vessel at all times and were collected and subsequently incinerated.

2.26 The UK noted that one of its vessels had also been reported to have had bait box bands on board and explained that the circumstances were very similar to those reported by Australia. The UK observed that it was permissible to have plastic packaging bands on other kinds of boxes provided that the vessel had facilities to incinerate them. The UK was therefore of the view that the topic required further consideration as there may be logistical issues involved in banning plastic packaging bands completely.

2.27 South Africa indicated that it remained committed to implementation of conservation measures and that it would follow up on the non-compliance of the *Koryo Maru II* and would provide the Committee with feedback on any actions taken in this regard.

2.28 Spain advised that in respect of the *Viking Bay* it would take the relevant measures in relation to the lack of compliance that had been reported and would report on the measures taken.

2.29 Argentina noted that it had asked for copies of the observer report in respect of the *Antartic III* in order to proceed.

2.30 At the time of the adoption of the report, Chile advised that it had information regarding the vessel *Antarctic Bay* which was inspected in a Chilean port prior to fishing. The information reported that Conservation Measure 26-01 had been complied with. Chile advised that it would collate all relevant information and provide it to the Commission as soon as possible.

2.31 Argentina observed that the problem may be a result of vessels departing foreign ports prior to fishing. Argentina recalled that Conservation Measure 10-02, paragraph 9, requires Flag States to inspect their flag vessels prior to fishing activities in the Convention Area to ensure compliance with relevant measures. However, this requirement did not include other-flagged vessels.

2.32 The Committee noted that the addition to Conservation Measure 10-02, paragraph 9, of a requirement to include reference to the presence of plastic packaging bands to secure bait boxes as part of a pre-departure inspection procedure may assist in deterring further non-compliance in this regard.

2.33 The Committee also noted a retrospective analysis of vessels' compliance with Conservation Measures 25-02, 25-03 and 26-01 prepared by the Secretariat (SCIC-08/3). The

Secretariat had been requested at CCAMLR-XXVI to prepare the analysis in order to identify recurring cases of non-compliance between vessels and seasons (CCAMLR-XXVI, paragraph 8.11).

2.34 The Committee recalled that, in accordance with Conservation Measure 41-02, vessels which had not demonstrated full compliance with Conservation Measure 25-02 would not be eligible to receive an extension to their licence period in Subarea 48.3 in the following season.

2.35 The European Community reminded SCIC that several areas adjacent to the Convention Area fell under the remit of RFMOs which did not implement mitigation measures similar to those adopted by CCAMLR. The European Community believed that this undermined the efforts of CCAMLR and urged greater cooperation and synergy between RFMOs to implement harmonised measures.

2.36 Some Members recalled that an approach had been made to CCSBT in 2005 (CCAMLR-XXIV, paragraphs 15.20 to 15.23) but that no response had been received.

#### Operation of the Centralised Vessel Monitoring System (C-VMS)

2.37 The Committee considered information on the implementation and operation of the C-VMS during 2007/08.

2.38 SCIC noted the implementation of a new regulation by the USA which requires vessels that catch toothfish to submit C-VMS data to the Secretariat, including for fishing outside the Convention Area when importing product into the USA. Some Members noted that this had created problems for some exporters.

2.39 The USA advised SCIC that its domestic regulation allowed for vessels to submit VMS data directly to US authorities and that it was offering this as an alternative. The Chair requested, and it was agreed, that Members discuss the issue bilaterally.

#### Compliance evaluation procedure

2.40 At CCAMLR-XXVI, the Commission agreed to continue work on the Development of a Compliance Evaluation Procedure (DOCEP) to evaluate compliance by vessels with conservation measures in force.

2.41 The Co-conveners of the informal DOCEP intersessional group, Ms T. Frantz (South Africa) and Ms K. Smith (Australia), submitted a report on intersessional work conducted during 2007/08 (CCAMLR-XXVII/44).

2.42 The Committee endorsed the report of DOCEP and agreed to recommend to SCAF and the Commission that a Compliance Evaluation Workshop be conducted in 2009 in conjunction with the meeting of WG-EMM.

## Proposals for new and revised measures

2.43 A number of proposals for new and revised measures were submitted by Members and considered by the Committee. The Committee agreed to forward a number of proposals to the Commission together with a recommendation that they be adopted:

- (i) an amendment to Conservation Measure 10-05 to extend the use of the CDS Fund to include proposals to enhance cooperation with non-Contracting Parties (UK; CCAMLR-XXVII/30);
- (ii) general improvements to Conservation Measures 10-02, 10-06 and 10-07 (Australia; CCAMLR-XXVII/35);
- (iii) a proposal for a new resolution on the use of a specific tariff classification for krill (European Community; CCAMLR-XXVII/40);
- (iv) a proposal for the adoption of a notification procedure for transshipments within the Convention Area (European Community; CCAMLR-XXVII/41).

2.44 When adopting the CCAMLR notification system for transshipment within the Convention Area, Japan noted that preparing a report for 2008 in accordance with paragraph 5 of this conservation measure had some limitations because almost all transshipment activities in 2008 had been conducted before the adoption of this conservation measure. SCIC noted this statement.

2.45 The UK introduced its proposal to link the CDS Fund and the Policy to Enhance Cooperation between CCAMLR and non-Contracting Parties to assist and encourage Member States wishing to help non-Contracting Parties to prevent, deter and eliminate IUU fishing from the Convention Area. The UK explained its frustrations at the continuing persistence of IUU fishing. The UK informed the Committee that it wanted CCAMLR to get better use from the resources in the CDS Fund so as to undertake activities, including those similar to the CDS training Australia had conducted in Malaysia. As a consequence, the UK also hoped that a robust and effective mechanism could be agreed to promote Developing State involvement in the Commission's work aimed at meeting the objectives of the Convention.

2.46 The Committee referred a number of other proposals to the Commission for further consideration:

- (i) an amendment to Conservation Measure 10-05 regarding the Catch Documentation Scheme (France; CCAMLR-XXVII/28);
- (ii) a proposal to amend Conservation Measure 22-06 regarding bottom fishing in the Convention Area (USA; CCAMLR-XXVII/31);
- (iii) revisions to the CCAMLR Scheme of International Scientific Observation (USA; CCAMLR-XXVII/32);
- (iv) general improvements to Conservation Measure 10-03 (Australia; CCAMLR-XXVII/35);

- (v) a proposal to review and strengthen the System of Inspection brought forward from CCAMLR-XXVI (Australia: CCAMLR-XXVII/38 Rev.1);
- (vi) a proposal for market-related measures brought forward from CCAMLR-XXVI to promote compliance (European Community; CCAMLR-XXVII/39 Rev. 1);
- (vii) a proposal to require krill vessels which had notified their intent to participate in a krill fishery but which had not subsequently fished for two consecutive seasons to be prevented from entering the fishery for the next season, as well as pay a A\$16 000 fee (Japan; SCIC-08/4).

#### Observers on board krill vessels

2.47 The Committee had also considered a proposal submitted by Ukraine to require at least one international or national scientific observer on board krill vessels and two observers on board krill vessels using new fishing methods (Ukraine; CCAMLR-XXVII/42). In presenting its proposal Ukraine reminded SCIC that considerable uncertainty surrounds the krill fishery and that this was an increasing problem. Ukraine believed that its proposal would assist to collect more scientific information regarding the krill fishery and, furthermore, that the measure may only need to be in place until such time as more information could be collected.

2.48 Several Members fully supported the proposal, recalling that CCAMLR had, for several years, been concerned with the orderly development of the krill fishery. These Members believed that it was desirable for CCAMLR to take a proactive rather than a reactive approach to the krill fishery.

2.49 Other Members, whilst supporting greater collection of information and data in respect of krill fishing, expressed reservations as to the need for two observers on board some krill vessels. In this respect, Norway noted that the collection of data on board vessels using the continuous pumping method may be a more efficient process than on board vessels using traditional krill fishing methods.

2.50 The Committee was unable to reach agreement on the proposal and, noting that the matter was also to be discussed by the Scientific Committee, agreed to refer the matter to the Commission.

#### Bottom fishing

2.51 The USA submitted a proposal to amend Conservation Measure 22-06 regarding bottom fishing in the Convention Area in order to clarify that the conservation measure applies to all of Division 58.4.1.

2.52 SCIC agreed to defer discussion on the matter and forward the proposal to the Commission for further consideration.

## Scheme of International Scientific Observation

2.53 The USA submitted a proposal to strengthen the Scheme of International Scientific Observation by clarifying the role, responsibilities and standards associated with CCAMLR international scientific observers and the vessels on which they serve in order to safeguard the quality of data and high integrity of the program. The USA advised the Committee that the revision would bring the scheme into line with international best practices and standards, and would enhance the integrity and independence of observer reports and improve safety conditions for observers deployed at sea.

2.54 Several Members were of the view that the Scheme of International Scientific Observation was an integral part of CCAMLR and that it would be timely to review the scheme, particularly in light of the increasing use of observer-related information in SCIC.

2.55 The USA emphasised that the proposed revision was intended to allow observers to perform the duties contained in the *Scientific Observers Manual* and not to grant any law enforcement authority.

2.56 SCIC decided to forward an amended proposal to the Commission for consideration.

## System of Inspection

2.57 Australia re-submitted an updated proposal to review and strengthen the System of Inspection (CCAMLR-XXVI, paragraphs 13.79 to 13.82). Members discussed the proposed changes in detail, including its practical implications for inspectors, fishing vessels, Flag States and the Designating Member.

2.58 The proposal was amended to take the concerns of some Members into account and SCIC agreed to defer discussion on the matter and forward the proposal to the Commission for further consideration.

## Market-related measures

2.59 The European Community briefly re-presented a proposal which it recalled last year at CCAMLR-XXVI was supported by all delegations but one (CCAMLR-XXVI, paragraphs 13.28 to 13.33), for the adoption of market-related measures to promote compliance. The European Community reminded SCIC that CCAMLR's IUU problem persisted because markets were available. The European Community drew SCIC's attention to the fact that these types of measures were already in place in other fora, for example, ICCAT and IOTC. The European Community expressed the view that Members should support the adoption of a trade measure in order to demonstrate their full cooperation with the objectives of the Convention.

2.60 Argentina indicated that it was not prepared at this time to discuss the issue and that it would discuss bilaterally with the European Community. Subsequently, it stated its recollection that more than one delegation had expressed reservations.

2.61 Several Members thanked the European Community for its proposal and expressed strong support for the proposed new measure. These Members were of the view that market-related measures were an invaluable addition to measures already adopted by CCAMLR to combat IUU fishing.

2.62 China noted compliance mechanisms of some Multilateral Environmental Agreements (MEAs) deserve further consideration and wondered whether it was appropriate to punish a party due to the actions of individual vessels. Argentina also expressed its concerns.

2.63 SCIC agreed to defer discussion on the matter and forwarded the proposal to the Commission for further consideration.

#### Krill notifications

2.64 The Committee considered a proposal submitted by Japan regarding vessels which had notified their intent to participate in a krill fishery but did not subsequently fish. Alternative proposals were offered by other Members, and the Committee decided to refer the issue to the Commission for further consideration.

2.65 Australia advised SCIC that it had submitted a proposal to limit the krill fishery to Members (CCAMLR-XXVII/37) and that this would be discussed by the Commission. In light of this and related discussions in paragraphs 2.12 to 2.18 above, the Committee decided to refer the proposal to the Commission for further consideration.

### III. IUU FISHING IN THE CONVENTION AREA

#### Current level of IUU fishing

3.1 The Committee reviewed Scientific Committee and Secretariat reports on estimates of IUU catches in the Convention Area during the current season.

3.2 The Committee noted, in particular, the Scientific Committee's advice that the IUU fleet is increasingly dominated by gillnet vessels and that the Scientific Committee has no information to estimate the catch by these vessels, or the impact of gillnets on target and by-catch species, seabirds and marine mammals in the Convention Area.

3.3 The Committee expressed its deep concern that the majority of the active IUU fleet was reported to be deploying gillnets. The Committee noted, in particular, advice from WG-FSA (SC-CAMLR-XXVII, Annex 5, paragraph 3.13) that the application of longline catch rates to gillnet vessels may undermine the current methodology for estimating IUU catches and result in an overly conservative estimate of IUU removals.

3.4 Whilst remaining concerned about the levels of gillnet fishing in the Convention Area, the Committee generally agreed that the IUU fleet operating in the Convention Area appeared to have significantly decreased and welcomed this development.

3.5 Australia noted that this could be attributed to a number of factors including patrols in the Convention Area, the effectiveness of the CDS and related measures and the depletion of stocks in some areas.

3.6 Ukraine and South Africa reminded SCIC that gillnet vessels had also been reported to have targeted shark either in addition to, or instead of, toothfish in some areas.

3.7 The Committee agreed that an important task for both SCIC and the Scientific Committee was to seek more information on the characteristics of gillnets and gillnet catch rates for future estimates of IUU removals.

3.8 France reported that the Panamanian-flagged *Sibley*, which is included on the NCP-IUU Vessel List, had called at Port Louis, Mauritius, from 2 to 4 June 2008. France noted that there had been no report from Mauritius that the vessel had been inspected and recommended that this be referred to the Commission for further action and possible follow-up.

#### IUU Vessel Lists

3.9 The Committee reviewed the Provisional List of non-Contracting Party Vessels (CCAMLR-XXVII/10) together with a report provided by New Zealand.

3.10 The Committee noted that only one vessel, the *Paloma V*, was included on the Provisional NCP-IUU Vessel List during 2008.

3.11 New Zealand recommended that the *Paloma V* be included on the Proposed NCP-IUU Vessel List for having supported the activities of vessels identified by CCAMLR as carrying out IUU fishing activities, in particular the *Chilbo San 33* and *Ina Maka* (COMM CIRC 08/88 of 1 July 2008).

3.12 The Committee supported the recommendation and expressed its appreciation to New Zealand for the investigation it had carried out.

3.13 In relation to the *Paloma V*, Namibia made the following statement:

‘MFV *Paloma V* was licensed by the Ministry of Fisheries and Marine Resources of the Republic of Namibia to participate in the CCAMLR exploratory fisheries on toothfish (*Dissostichus* spp.) in CCAMLR Divisions 58.4.1 and 58.4.2 for the 2007/08 fishing season. The fishing vessel started with its fishing operations or trips as from 1 January to 30 April 2008 and all exploratory fisheries activities were conducted in accordance with CCAMLR conservation measures currently in place. The vessel was accompanied by one CCAMLR international scientific observer, and one fisheries observer from Namibia was also deployed on board the *Paloma V*.

The *Paloma V* departed the port of Walvis Bay, Namibia, on 16 November 2007 and arrived in the port of Cape Town, South Africa, on 19 November 2007 to collect fishing baits. FV *Paloma V* departed the port of Cape Town on 30 November 2007 to the fishing grounds. The vessel departed the fishing grounds after spending a total of eighty five (85) days in the CCAMLR fishing area.

The Namibian authorities received a report from the New Zealand authorities, dated 1 July 2008, following the arrival of the *Paloma V* in the Port of Auckland on 16 May 2008. According to the New Zealand report, permission for the *Paloma V* to offload its catches in the Port of Auckland was subsequently revoked due to past “fishing history” involvement in illegal, unreported and unregulated (IUU) fishing activities before she was registered with the Namibian Shipping Registry.

The New Zealand report was submitted to the Namibian authorities in accordance with CCAMLR Conservation Measure 10-06, paragraph 3. Namibia has pursued the report submitted by New Zealand and wishes to make its position categorically clear that, while the *Paloma V* was operating under Namibian flag, it did not contravene any CCAMLR conservation measure currently in place and this could be confirmed from the cruise report of the CCAMLR scientific observer who was deployed on board during its fishing activities.

The Namibian Government can also not refute the possible involvement of the *Paloma V* in IUU fishing activities prior to its registration with the Namibian authorities as we had no jurisdiction over the vessel. Based on the above, Namibia as a CCAMLR Member State, and Member to other Regional and International Fisheries Management Organisations (RFMOs), does not condone the IUU fishing activities in any form. Therefore, the past “fishing history” of the *Paloma V* which was communicated to Namibian authorities by the New Zealand authorities could not be ignored, hence, the Namibian authorities acted promptly by cancelling the *Paloma V* fishing licence and de-registered her from the Namibian Shipping Register.

The Namibian authorities took the above action recognising the harmful consequences of IUU fishing on the sustainability of fisheries, the conservation of living marine resources, marine biodiversity and the entire marine ecosystem.

In conclusion, Namibia would like to thank the Government of New Zealand for passing on the information on the past fishing history of the *Paloma V*. Namibia is committed to combat IUU fishing and, together, let us commit, communicate, cooperate and act with unity and veracity in order to cut the supply vein of IUU and stop illegal fishing.’

3.14 The Committee also reviewed the CP and NCP-IUU Vessel Lists adopted in previous years. In so doing, the Committee considered information from Australia and China in respect of vessels included on the CP-IUU Vessel List as well as information from France, Marshall Islands and Panamá in respect of vessels included on the NCP-IUU Vessel List.

3.15 China submitted a request to delete four of its Flag vessels, *North Ocean*, *East Ocean*, *South Ocean* and *West Ocean*, from the adopted CP-IUU Vessel List (CCAMLR-XXVII/BG/48).

3.16 China advised the Committee that a preliminary agreement of sale had been drawn up between the current owner of the vessels, China National Fisheries Corporation, and a prospective buyer and that it was a prior condition of sale that the vessels be removed from the CCAMLR IUU Vessel List.

3.17 China was not able to divulge any details in respect of the potential buyer of the vessels for reasons of commercial confidentiality, but assured SCIC that the prospective buyer was a large company with no reported history of having engaged in IUU activities and that the potential new Flag State was of good international standing amongst RFMOs.

3.18 Several Members considered that the relevant criteria for considering the vessels' removal from the IUU List was paragraph 14(ii) of Conservation Measure 10-06 (2006) whereby vessels could be deleted from the List if adequate sanctions had been applied.

3.19 China advised that the four vessels had not fished for a period of approximately two years and had therefore been deprived of approximately US\$7 million in potential revenue, as well as incurring port costs. China also advised that it had withdrawn the licences of the four vessels and that they were not authorised by the Chinese Government for further fishing activities. Several Members believed that this was an adequate sanction.

3.20 Other Members were of the view that two years of inactivity did not constitute an adequate sanction and pointed out that, although the four vessels had been recalled to port by China in December 2006, some of the vessels had continued fishing and had not returned to port until April 2007.

3.21 Whilst agreeing that it was important to implement Conservation Measures 10-06 and 10-07 consistently and fairly, some Members also suggested that the definition of an adequate sanction would inevitably be subjective to individual Members. Some Members considered that there was a case for defining adequate sanctions within the context of individual Member frameworks and suggested that further consideration and future work on the texts of the relevant measures may be required.

3.22 The Committee considered the case of the Panamanian-flagged *Sibley* which had been reported by Panamá to have been sold to a new owner in October 2006. The Committee noted that the vessel had been sighted engaging in IUU fishing activities in the Convention Area in December 2006 and March 2007 after the transfer of ownership of the vessel.

3.23 The Marshall Islands presented the information it had submitted in SCIC-08/10 regarding the current status of the vessel *Seed Leaf*. The Committee agreed that the information had been thorough and that it demonstrated that there had been a clear change of ownership as required under Conservation Measure 10-07, paragraph 18(iii). The Committee therefore agreed that the vessel *Seed Leaf* should be removed from the NCP-IUU Vessel List.

3.24 The Committee agreed to recommend to the Commission that:

- (i) the *Paloma V* be included on the Proposed NCP-IUU Vessel List (Appendix III) for adoption by the Commission;
- (ii) the *Maya V* and *Viarsa I* be deleted from the CP-IUU Vessel List as they had been deconstructed;
- (iii) with respect to the *North Ocean*, *East Ocean*, *South Ocean* and *West Ocean*, these vessels shall be deemed removed from the adopted CP-IUU Vessel List once China informs the Commission via a Commission Circular that the vessels have been sold to Insung Corp. of Korea and that the sales are final;

- (iv) the Togolese-flagged *Comet* be deleted from the adopted NCP-IUU Vessel List as it had been reported to have sunk;
- (v) the Marshall Islands-flagged cargo vessel *Seed Leaf* be deleted from the adopted NCP-IUU Vessel List as SCIC believed that Marshall Islands had demonstrated that the vessel had undergone a genuine change of ownership;
- (vi) the Panamanian-flagged *Sibley* be retained on the adopted NCP-IUU Vessel List.

3.25 The European Community informed the Committee of diplomatic demarches it had extended to Equatorial Guinea, Sierra Leone and Togo during the 2007/08 intersessional period. The European Community drew SCIC's attention to correspondence of May 2007 between ICCAT and Equatorial Guinea in which Equatorial Guinea advised that it did not flag any fishing vessels, whereas CCAMLR's NCP-IUU Vessel List includes three vessels reported flagged to Equatorial Guinea. The European Community also advised that Togo had conveyed to ICCAT in October 2008 that its registry contained 10 Togolese-flagged fishing vessels. Only two of these vessels are included on CCAMLR's IUU Vessel List, whereas the List contains seven vessels reportedly flagged to Togo. The European Community recommended that this information be noted for further investigation and follow-up by the Commission.

#### IV. CATCH DOCUMENTATION SCHEME (CDS)

4.1 The Committee reviewed the implementation and operation of the CDS during the 2007/08 intersessional period.

4.2 The Secretariat reported that the electronic web-based format had been used by all Members since January 2008.

4.3 The Secretariat reported that the CDS was being implemented by all Contracting Parties as well as by the Republic of Singapore and Seychelles on a voluntary basis.

4.4 The Secretariat also reported on work it had undertaken during 2007/08 in accordance with enhancing cooperation with non-Contracting Parties in accordance with Conservation Measure 10-05, Annex 10-05/C.

4.5 The European Community noted that Annex 10-05/C is an important tool and should continue to be used. The European Community requested the Secretariat again write to those Parties identified in the Secretariat's report (CCAMLR-XXVII/BG/9, Table 2) which had not responded to previous approaches. These Parties should be advised that they would be regarded as non-cooperating States if they failed to respond in future.

4.6 The Committee noted that the voluntary implementation of the CDS by the Hong Kong Special Administrative Region (SAR) would be helpful to the implementation of the Convention. The Committee considered summaries of export data from the CDS database (SCIC-08/5) which reported the Hong Kong SAR as an importer of significant quantities of toothfish. China explained that import information that China had received from Hong Kong SAR was in conflict with this report.

4.7 China advised that it was willing to consult with the Hong Kong SAR if the Secretariat could provide more detailed information and report the results of these consultations back to CCAMLR.

## V. SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

5.1 A summary of all scientific observation programs undertaken in 2007/08 was presented in SC-CAMLR-XXVII/BG/2.

5.2 The Committee noted that scientific observers appointed under the CCAMLR Scheme of International Scientific Observation were deployed on all vessels in all finfish fisheries in the Convention Area. A total of 60 observation programs were undertaken, including 52 for toothfish and icefish fisheries of which 40 were for longline fishing, nine were finfish trawl and three for pot fishing. Eight observation programs were undertaken on krill vessels. All programs were undertaken in accordance with the scheme.

## VI. ADVICE FROM THE SCIENTIFIC COMMITTEE

6.1 The Chair of the Scientific Committee, Dr K. Sullivan (New Zealand), presented the Scientific Committee's preliminary advice of relevance to SCIC (SC-CAMLR-XXVII, paragraphs 12.2 to 12.13). SCIC considered this advice and made a number of comments as described in paragraphs 6.3 to 6.6 below.

6.2 Advice from the Scientific Committee in respect of mitigation measures and exploratory fisheries is included in paragraph 2.13. Advice from the Scientific Committee in respect of IUU fishing is provided in paragraphs 3.2 and 3.3.

### Implementation of Conservation Measure 22-06

6.3 The Committee noted advice from the Scientific Committee that only five out of 12 proposals for exploratory fisheries contained preliminary assessments and proposed mitigation measures to avoid and mitigate significant adverse impacts on Vulnerable Marine Ecosystems (VMEs). It agreed that this lack of information impeded progress in the implementation of Conservation Measure 22-06.

6.4 It was noted that Parties shall submit information and a preliminary assessment where possible in accordance with Conservation Measure 22-06, paragraph 7. The Committee therefore agreed that it was important to establish the reasons why Members were not able to provide data in order to determine whether this was indeed a compliance issue. SCIC agreed that the pro forma prepared by the Scientific Committee should enable more complete submission of data in the future.

6.5 SCIC noted a request from the Scientific Committee to indicate the potential spatial scale of management action that would be required when a VME was encountered but did not offer any advice in this regard.

## Data quality checking procedure

6.6 The Committee noted the work of the Scientific Committee in developing a methodology for assessing data quality (SC-CAMLR-XXVII, paragraph 12.13) and encouraged the Scientific Committee to continue the development of this very important work that would underwrite the assessment of compliance related data.

## VII. PERFORMANCE REVIEW

7.1 The Committee considered the Report of the Performance Review Panel (CCAMLR-XXVI/8) as agreed at CCAMLR-XXVI (CCAMLR-XXVI, Annex 7, paragraph 10). SCIC recognised the importance of the Performance Review and expressed its appreciation to the Review Panel for its work.

7.2 The Committee acknowledged that the recommendations contained in the Performance Review Panel Report required careful consideration but that there was insufficient time to properly consider all recommendations in detail at the 2008 meeting of SCIC.

7.3 SCIC also recognised that recommendations contained in the report would require ongoing consideration and agreed that the Performance Review should remain on future SCIC agendas until such time as SCIC felt that the matter had been properly addressed. Furthermore, it was suggested that at its annual meetings it would conduct an audit of action taken against each recommendation in the Review Panel Report and asked the Secretariat to maintain a record of progress to facilitate future discussions.

7.4 As an initial step, SCIC agreed to identify those recommendations contained in the report which Members believed should be addressed as a matter of priority and refer them to the Commission. SCIC stressed that this approach should not imply that other items were of lesser importance and stated that it intended to address remaining items in future as time permitted.

7.5 All Members were invited to convey their preferences for priority items to SCIC. Members generally agreed to focus on the section of the Performance Review Panel Report dealing with Compliance (Chapter 4). Recommendations of Chapter 4 of the report which were identified by SCIC Members as priority items were:

- (i) Flag State duties (Item 4.1), especially consideration to making reciprocal and cooperative arrangements to enhance the effectiveness of Conservation Measure 10-08 (paragraph 4.1.1.1b);
- (ii) Port State measures (Item 4.2), especially the requirement for minimum standards for the format, content and submission of inspection reports (paragraph 4.2.1.1) and defining fishing vessels to include reefer and support vessels (paragraph 4.2.1.2);
- (iii) Monitoring control and surveillance (Item 4.3), especially formally linking the CDS with daily catch reports (paragraph 4.3.1.1) and real-time C-VMS reporting (paragraph 4.3.1.2).

7.6 The Committee agreed that a number of items from other chapters of the Review Panel Report were also relevant to the work of SCIC. Recommendations from other chapters of the report which were identified by SCIC Members as priority which should be brought to the attention of the Commission were:

- (i) trends in the status of marine living resources (Criterion 3.1.2) especially in relation to the introduction of mechanisms to ensure that all Contracting Parties comply with the provisions of all measures and the use of all legal avenues to ensure that non-Contracting Parties also comply with such measures, as well as the development of further mechanisms for enhanced surveillance and enforcement in order to control IUU fishing (paragraph 3.1.2.1);
- (ii) addressing any gaps in the collection and sharing of data (Criterion 3.3.4);
- (iii) application of uniform principles and practices to all species inside the Convention Area (Criterion 3.5.3);
- (iv) market-related measures (Item 4.6);
- (v) CCAMLR's relationships with non-cooperating non-Contracting Parties (Criterion 6.3.1);
- (vi) cooperation with other international organisations (Item 6.4).

7.7 The UK also requested that, whilst the item in relation to CCAMLR's relationship with the Antarctic Treaty System (Item 2.1 of the Review Panel Report) may not fall under the remit of SCIC, it should nevertheless be brought to the attention of the Commission as an important item.

## VIII. ELECTION OF THE SCIC CHAIR AND VICE-CHAIR

8.1 The Committee noted that the current Chair of the Committee, Ms Carvajal, would finish her term as Chair at the conclusion of CCAMLR-XXVII.

8.2 The Committee expressed its deep thanks and appreciation to Ms Carvajal for her work as SCIC Chair from 2005 to 2008, as she had played an integral role in the significant achievements which SCIC had made during those years. Ms Carvajal thanked the Committee and the Secretariat, in particular Dr E. Sabourenkov and Ms N. Slicer, for their hard work during this time and for the support provided to her..

8.3 The Committee elected Ms K. Dawson-Guynn (USA) as the new Chair of SCIC to serve from the close of CCAMLR-XXVII. Ms Dawson-Guynn was congratulated on her appointment.

8.4 As Ms Dawson-Guynn was currently serving as Vice-Chair of the Committee, the Committee elected Mr J.P. Groenhof (Norway) as the new Vice-Chair of SCIC to serve from the close of CCAMLR-XXVII. Mr Groenhof was congratulated on his appointment.

## IX. OTHER BUSINESS

9.1 The USA noted that Reports of Members' Activities were of little utility. The USA therefore requested the Committee to consider making a recommendation to the Commission that it cease the requirement for Members to submit reports of their activities.

## X. ADVICE TO THE COMMISSION

10.1 The Committee prepared a summary of advice to be considered by the Commission (CCAMLR-XXVII/BG/49). Proposals for new measures recommended by SCIC for adoption by the Commission were provided to the Commission in CCAMLR-XXVII/BG/12. Proposals for new and revised measures forwarded by SCIC for further consideration by the Commission were provided to the Commission in CCAMLR-XXVII/BG/13.

## XI. ADVICE TO SCAF

11.1 The following matters considered by the Committee have financial implications:

- (i) The Committee recommended to SCAF and the Commission that a Compliance Evaluation Workshop be convened in 2009 in conjunction with the meeting of WG-EMM. The Committee requested funding of A\$10 000 in order to provide Secretariat support at this workshop.
- (ii) The Committee agreed to recommend the adoption of a proposal to amend Conservation Measure 10-05 in order to extend the use of the CDS Fund to include programs to enhance cooperation with non-Contracting Parties.

## XII. ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

12.1 The Chair thanked the Committee for its work and commended it for its achievements during the 2008 meeting of SCIC. The Chair and the Committee expressed their sincere appreciation to the Convener of the Conservation Measures Drafting Group, Ms G. Slocum (Australia), for her excellent work in guiding the often difficult and complex work of the group. The Chair and the Committee also thanked the interpreters. The Committee thanked the Chair for her work in chairing the 2008 meeting of SCIC.

12.2 The report of SCIC was adopted and the meeting was closed.

**AGENDA**

Standing Committee on Implementation and Compliance (SCIC)  
(Hobart, Australia 27 to 31 October 2008)

1. Opening of meeting
  - (i) Adoption of agenda
  - (ii) Organisation of meeting
  - (iii) Review of submitted papers, reports and other presentations
2. Review of compliance and implementation-related measures and policies
  - (i) Compliance with conservation measures in force
  - (ii) Compliance evaluation procedure
  - (iii) Proposals for new and revised measures
3. IUU fishing in Convention Area
  - (i) Current level of IUU fishing
  - (ii) IUU Vessel Lists
4. Catch Documentation Scheme (CDS)
5. Scheme of International Scientific Observation
6. Advice from the Scientific Committee
7. Performance Review
8. Election of the SCIC Chair and Vice-Chair
9. Other business
10. Advice to the Commission
11. Advice to SCAF
12. Adoption of report
13. Close of meeting.

## LIST OF DOCUMENTS

Standing Committee on Implementation and Compliance (SCIC)  
(Hobart, Australia 27 to 31 October 2008)

SCIC-08/1	Provisional Agenda for the 2008 Meeting of the CCAMLR Standing Committee on Implementation and Compliance (SCIC)
SCIC-08/2 Rev. 1	List of Documents (includes List of Documents by agenda item)
SCIC-08/3	Retrospective analysis of scientific observer data relating to Conservation Measures 25-02, 25-03 and 26-01 Secretariat
SCIC-08/4	Proposal for revising Conservation Measure 21-03 (2007) notification of intent to participate in a fishery for <i>Euphausia superba</i> Delegation of Japan
SCIC-08/5	Catch Documentation Scheme (CDS) annual summary reports 2008 Secretariat
SCIC-08/6	Supplementary information for consideration under Conservation Measures 10-06 and 10-07 Secretariat
SCIC-08/7	Information from Chile and Panamá regarding the vessel <i>Rosa</i> Secretariat
SCIC-08/8	Extracts from the Report of the Working Group on Fish Stock Assessment (total removals of <i>Dissostichus</i> spp. including IUU catches in the Convention Area) Secretariat
SCIC-08/9	Vacant
SCIC-08/10	Information from Marshall Islands regarding the vessel <i>Seed Leaf</i> Secretariat

SCIC-08/11	Information from Panamá regarding the vessel <i>Sibley</i> Secretariat
SCIC-08/12	Administrative actions taken with respect to Spanish nationals Spain
SCIC-08/13	Implementation of Conservation Measure 10-08 (2006) Scheme to promote compliance by Contracting Party nationals with CCAMLR conservation measures Delegation of Chile
Other Documents	
CCAMLR-XXVII/8	Report of the CCAMLR Performance Review Panel
CCAMLR-XXVII/10	Implementation of Conservation Measures 10-06 and 10-07 Provisional Lists of IUU Vessels, 2008 Secretariat
CCAMLR-XXVII/11	Summary of notifications for krill fisheries in 2008/09 Secretariat
CCAMLR-XXVII/11 Corrigendum to Table 2	Summary of notifications for krill fisheries in 2008/09 Secretariat
CCAMLR-XXVII/12	Summary of notifications for new and exploratory fisheries in 2008/09 Secretariat
CCAMLR-XXVII/12 Corrigendum to Table 5	Summary of notifications for new and exploratory fisheries in 2008/09 Secretariat
CCAMLR-XXVII/28	Proposed amendment to Conservation Measure 10-05 regarding the Catch Documentation Scheme Delegation of France
CCAMLR-XXVII/30	The application and use of the CDS fund under Conservation Measure 10-05 (Catch Documentation Scheme for <i>Dissostichus</i> spp.) Delegation of the United Kingdom
CCAMLR-XXVII/31	A proposal to amend CCAMLR Conservation Measure 22-06 (2007) Bottom fishing in the Convention Area Delegation of the USA

CCAMLR-XXVII/32	Proposed revisions to the CCAMLR Scheme of International Scientific Observation Delegation of the USA
CCAMLR-XXVII/35	General improvements to conservation measures Delegation of Australia
CCAMLR-XXVII/37	The application of Conservation Measure 21-03 (notifications of intent to participate in a fishery for <i>Euphausia superba</i> ) to contracting parties Delegation of Australia
CCAMLR-XXVII/38 Rev. 1	A proposal to review and strengthen the CCAMLR System of Inspection Delegation of Australia
CCAMLR-XXVII/39 Rev. 1	EC proposal for a conservation measure concerning the adoption of market-related measures to promote compliance Delegation of the European Community
CCAMLR-XXVII/40	EC proposal for a CCAMLR resolution on the use of specific tariff classification for krill Delegation of the European Community
CCAMLR-XXVII/41	EC proposal – adoption of a CCAMLR notification system for transshipments within the Convention Area Delegation of the European Community
CCAMLR-XXVII/42	Proposed amendments to conservation measures dealing with catch limits for the krill fishery Delegation of Ukraine
CCAMLR-XXVII/44	Proposed work program for the development of a Compliance Evaluation Procedure Working Group Report of the Co-conveners of the Working Group on the Development of a Compliance Evaluation Procedure
CCAMLR-XXVII/BG/3	Interpreting services for the Standing Committee on Implementation and Compliance (SCIC) Secretariat
CCAMLR-XXVII/BG/8	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2007/08 Secretariat
CCAMLR-XXVII/BG/9	Implementation and operation of the Catch Documentation Scheme in 2007/08 Secretariat

CCAMLR-XXVII/BG/10	Implementation and operation of the Centralised Vessel Monitoring System (C-VMS) in 2007/08 Secretariat
CCAMLR-XXVII/BG/15	Implementation of fishery conservation measures in 2007/08 Secretariat
CCAMLR-XXVII/BG/18	Informations sur la pêche illicite dans la zone statistique 58 Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet Rapport des inspections CCAMLR Saison 2007/2008 (1 <sup>er</sup> juillet 2007 – 30 juin 2008) Délégation française
CCAMLR-XXVII/BG/20	Report on CCAMLR Catch Documentation Scheme training conducted by Australia in Malaysia, June 2008 Delegation of Australia
CCAMLR-XXVII/BG/22	The issue of non-compliance with CCAMLR tagging program Delegation of Australia
CCAMLR-XXVII/BG/23	Report of steps taken by New Zealand to implement the inspection, investigation and sanction provisions of Conservation Measure 10-02 during 2007/08 Delegation of New Zealand
CCAMLR-XXVII/BG/28	The need for trade measures in CCAMLR Submitted by ASOC
CCAMLR-XXVII/BG/37	The use of trade-related measures in fisheries management Submitted by IUCN
CCAMLR-XXVII/BG/38	Continuing CCAMLR's fight against IUU fishing for toothfish Executive summary of the report by TRAFFIC International and WWF Australia Submitted by IUCN
CCAMLR-XXVII/BG/39	CCAMLR Performance Review Report: summary for discussion Secretariat
CCAMLR-XXVII/BG/45	Heard Island and McDonald Islands Exclusive Economic Zone 2007/08 IUU catch estimate for Patagonian toothfish Delegation of Australia
CCAMLR-XXVII/BG/47	IUU vessel sightings on BANZARE Bank (Statistical Division 58.4.3b) Delegation of Australia

CCAMLR-XXVII/BG/48	Status of four Chinese fishing vessels Delegation of China
SC-CAMLR-XXVII/BG/2	Summary of scientific observation programs undertaken during the 2007/08 season Secretariat
WG-FSA-08/7 Rev. 2	A summary of scientific observations related to Conservation Measures 25-02, 25-03 and 26-01 Secretariat
WG-FSA-08/10 Rev. 2	Estimation of IUU catches of toothfish inside the Convention Area during the 2007/08 fishing season Secretariat
WG-FSA-08/16	Operational difficulties in implementing the CCAMLR tagging protocol in Division 58.4.1 in 2007/08 A.T. Lozano and O. Pin (Uruguay)

**PROPOSED LIST OF NON-CONTRACTING PARTY IUU VESSELS 2008  
(CONSERVATION MEASURE 10-07)**

Current name	Current flag	Lloyds/IMO number	Current call sign	Nature of activity
<i>Paloma V</i>	Unknown	9319856	Unknown	Supporting the IUU activities of vessels included on the NCP-IUU Vessel List.