

**REPORT OF THE WORKSHOP FOR THE DEVELOPMENT
OF A COMPLIANCE EVALUATION PROCEDURE (DOCEP)**
(Bergen, Norway, 6 to 10 July 2009)

CONTENTS

	Page
OPENING OF MEETING	167
OBJECTIVES OF MEETING	167
Flag State responsibility	167
REVIEW OF EXISTING METHODOLOGY	168
Compliance evaluations by other organisations.....	168
Performance Review	168
DEVELOPMENT OF A MODEL STANDARD COMPLIANCE EVALUATION PROCEDURE	169
Review of key compliance measures	169
Compliance evaluation procedure	169
Impact	170
Frequency	171
Severity	171
Responses	171
Application of the compliance evaluation procedure	171
Prioritising conservation measures	171
Case studies	173
General	173
DATA ACCESS AND CONFIDENTIALITY	174
CONCLUSIONS.....	174
FUTURE WORK	175
SUMMARY OF RECOMMENDATIONS TO SCIC AND THE COMMISSION	175
SUMMARY OF MATTERS REFERRED TO SCIC FOR FURTHER CONSIDERATION	176
ADOPTION OF THE REPORT AND CLOSE OF MEETING	176
APPENDIX I: Agenda	177
APPENDIX II: List of documents.....	178
APPENDIX III: List of participants.....	179
APPENDIX IV: Key compliance elements.....	181
APPENDIX V: Impacts	188
APPENDIX VI: Possible responses to non-compliance	190
APPENDIX VII: Case studies	191

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OPENING OF MEETING

The DOCEP Workshop was held from 6 to 10 July 2009 in Bergen, Norway. The workshop was convened by Ms K. Dawson-Guynn (USA).

2. The draft agenda was adopted and is contained in Appendix I. A List of Documents is provided in Appendix II. DOCEP had previously also considered a number of papers which had been developed during intersessional work and presented at previous meetings of the Commission (CCAMLR-XXV/37, CCAMLR-XXVII/44, SCIC-06/10).

OBJECTIVES OF MEETING

3. In considering its terms of reference, DOCEP recalled that its remit was primarily to develop a model of a standard evaluation procedure that can consistently be used to evaluate performance of vessels with conservation measures in force (Appendix VI and paragraphs 19 to 26).

4. DOCEP agreed that a compliance evaluation would assist Members to review the performance of their flag vessels and help to identify any recurring patterns of non-compliance. It would also facilitate the review of the effectiveness of individual measures over time.

Flag State responsibility

5. Whilst acknowledging that it was not within DOCEP's terms of reference to evaluate non-compliance of Flag States, DOCEP participants nevertheless agreed that several aspects of compliance, which were the responsibility of Contracting Parties, were closely linked to vessels' performance.

6. DOCEP noted that non-compliance is usually attributable to a vessel failing to provide information or acting in a manner contrary to the provisions of a conservation measure. DOCEP concluded that even where it is clear that the vessel is the primary entity required to act in accordance with the specific provisions of such a measure, it remains incumbent upon the Flag State to ensure that their vessels comply with conservation measures.

7. DOCEP found it difficult to decouple the compliance of a vessel and the control of the Flag State over that vessel. It did, however, recognise the importance of gathering information regarding any steps taken by the Flag State to address non-compliance of its vessels. With this in mind, any evaluation of non-compliance based on vessel activity alone may not fully capture the extent and the causes of non-compliance. DOCEP therefore recommended that Standing Committee on Implementation and Compliance (SCIC) consider

whether DOCEP's terms of reference might be expanded to include evaluation of Flag State performance. DOCEP noted that the results of FAO initiatives aimed at Flag State performance may be relevant in the future.

8. DOCEP noted that SCIC would benefit from examining whether there is a need for Flag States to improve compliance with conservation measures in respect of reporting of information on vessel activity.

REVIEW OF EXISTING METHODOLOGY

Compliance evaluations by other organisations

9. DOCEP briefly reviewed compliance evaluation methodologies used by other organisations such as ICCAT, NAFO and CCSBT. DOCEP concluded that these evaluations focused on evaluating compliance by members of those organisations rather than of vessels. DOCEP believed that they may, therefore, not provide suitable models for developing a methodology for use by CCAMLR. DOCEP noted, however, that the Dolphin Safe program of the Agreement on the International Dolphin Conservation Program (AIDCP) has a detailed vessel-by-vessel compliance evaluation procedure. Items of particular reference to DOCEP's work included aspects such as the use of observer data (paragraph 16), actions to be taken in improving compliance (paragraph 27) and ways in which to remove bias in the assessment of compliance via the use of coded vessel identity (paragraph 49).

10. It was noted that ICCAT had recently held a session of its Compliance Committee, where it directed self-assessment questionnaires to its members as a way to facilitate discussion on the extent and causes of non-compliance. DOCEP believed that the use of questionnaires might be useful to CCAMLR, where systemic or chronic non-compliance with a particular conservation measure has been detected or where CCAMLR is having difficulty understanding the causes of non-compliance.

Performance Review

11. DOCEP noted that a number of key findings of the CCAMLR Performance Review Panel (PRP) could be addressed by, and were consistent with, DOCEP's work. In particular, DOCEP noted that the PRP had made several recommendations relating to evaluating and ensuring compliance with CCAMLR conservation measures. Some of these included matters related to Flag State responsibility (PRP Report¹, paragraph 4.4.1) and the use of Port State and market-related measures (PRP Report, paragraph 4.2.1).

12. DOCEP noted that enhancement of CCAMLR's procedures for port inspections might include the adoption of standard procedures and reporting formats. It recalled the PRP's recommendation to set standard reporting formats for port inspections and determine clear minimum timelines for the submission of information (PRP Report, paragraph 4.2.1). DOCEP agreed that such formats and timelines would facilitate compliance evaluation and could offer a way to improve compliance with conservation measures.

¹ Available on the CCAMLR website – www.ccamlr.org/pu/E/revpanrep.htm.

13. DOCEP also supported the PRP recommendations on following up on infringements (PRP Report, paragraph 4.4.1) as well as cooperative mechanisms to detect and deter non-compliance (PRP Report, paragraph 4.5.1). By identifying non-compliance, DOCEP felt that it was well placed to take forward such considerations.

14. It was also noted that the PRP was of the opinion that ‘the compliance and enforcement arrangements that have been developed and implemented by CCAMLR over the years have been relatively effective’. However, DOCEP believed that, using an agreed framework for a compliance evaluation, SCIC would be able to achieve a better understanding of whether CCAMLR’s conservation measures are being fully implemented and how effective they are.

DEVELOPMENT OF A MODEL STANDARD COMPLIANCE EVALUATION PROCEDURE

Review of key compliance measures

15. DOCEP identified those elements of fishery-related conservation measures which were the responsibility of vessels (Appendix IV and DOCEP-09/5, Table 1).

16. It was noted that an evaluation of compliance with certain conservation measures, such as seabird mitigation measures, would depend on information collected by international scientific observers. Whilst agreeing that the objectives of the Scheme of International Scientific Observation were primarily scientific, and that observers should not perform a compliance role, DOCEP noted that some observer-sourced information on individual vessel activities related to seabird mitigation measures was already being reviewed by WG-IMAF and the Scientific Committee and provided to SCIC for consideration. Conservation measures other than compliance measures require, for example, that data be provided by the vessel as well as by an observer as part of the reporting requirements of the observer (Conservation Measure 41-01, Annex C, paragraph 4). This effectively incorporates information collected under the Scheme of International Scientific Observation into an evaluation of compliance. DOCEP recommended that SCIC consider whether or not other information collected by international scientific observers should be used for evaluating compliance in cases where such information is the best available on relevant vessel activities.

Compliance evaluation procedure

17. Taking into account the preliminary matrix developed by the DOCEP Intersessional Group (CCAMLR-XXVI/BG/32), DOCEP further developed it in order to assign a score to reported incidents of non-compliance. This score is a function of impact and frequency of non-compliance, i.e. $\text{score} = \text{impact} \times \text{frequency}$ (paragraphs 19 to 26). The matrix and its associated reference table is provided in Appendix V.

Impact

18. DOCEP discussed in detail the criteria for each category of impact. It was noted that incidents of non-compliance could impact on harvested and dependent and related populations as well as the ecosystem as a whole.
19. As an initial step, DOCEP identified five categories of impact. These were:
 - Impact 1 – Negligible: Where an incident of non-compliance has a negligible impact on the ecosystem or harvested, dependent or related populations. The impact on the management objectives of the fishery would be negligible.
 - Impact 2 – Minor: Where an incident of non-compliance has a minor impact on the ecosystem or harvested, dependent or related populations with no medium- or long-term effects. The impact on the management objectives of the fishery would be minor.
 - Impact 3 – Major: Where an incident of non-compliance has a major impact on the ecosystem or harvested, dependent or related populations with no long-term effects. The impact on the management objectives of the fishery would be major.
 - Impact 4 – Serious: Where an incident of non-compliance has a serious impact on the ecosystem or harvested, dependent or related populations with potential long-term effects. The impact on the management objectives of the fishery would be serious.
 - Impact 5 – Critical: Where an incident of non-compliance has a critical or irreversible impact on the ecosystem or harvested, dependent or related populations with potentially enduring effects. The impact on the management objectives of the fishery would be critical.
20. DOCEP assigned an impact for non-compliance based on a 1 (negligible) to 5 (critical) ranking of the impact of non-compliance on the ecosystem and harvested, dependent and related populations.
21. DOCEP recognised that there may be a number of ways in which such rankings could be derived. It was, however, acknowledged that it would be difficult to reach agreement on a single impact score, therefore DOCEP used an overall average of its members' rankings as a consensus value for the impact scores in each of the two case studies. The benefits of this approach were clearly acknowledged by DOCEP and it was recommended to SCIC as a way forward.
22. As a part of this discussion, participants identified the need to take into account conservation measure provisions related to unlikely events that have the potential to result in irreversible impacts on the resources of the Convention Area (e.g. the introduction of disease or a non-native species). DOCEP concluded that the potential consequences of such an event should be carefully weighed when determining the potential impact of non-compliance.
23. DOCEP also recommended that, once impacts had been determined, they should be reviewed periodically or when conditions change.

Frequency

24. The matrix includes the frequency of non-compliance incidents by vessels for a particular conservation measure. The frequency is counted as the number of years of non-compliance. Multiple incidents of non-compliance recorded in a single fishing season are counted as one incident of non-compliance (i.e. a score of 2 equals two years of recorded non-compliance).

Severity

25. The matrix multiplies impact and frequency to arrive at a score reflecting the severity of the non-compliance. DOCEP identified four categories of severity (Appendix V):

- Minor: impact × frequency = severity score of 1–4
- Major: impact × frequency = severity score of 5–9
- Serious: impact × frequency = severity score of 10–15
- Critical: impact × frequency = severity score of 16–25.

26. In the case of full compliance none of these would apply.

Responses

27. The outputs of the evaluation procedure provide a characterisation of the severity of non-compliance. This prioritisation mechanism developed by DOCEP provides a range of possible responses to be considered by SCIC (Appendix VI). The possible responses are tailored to reflect the severity of non-compliance identified by the product of the impact and frequency of the recorded non-compliance. DOCEP recognised that it should ultimately be left to the Flag State to prescribe any actions taken in respect of its flagged vessels.

Application of the compliance evaluation procedure

28. DOCEP considered various alternatives for conducting a vessel-by-vessel evaluation as well as an evaluation of overall fleet performance in respect to an individual conservation measure.

29. DOCEP used the procedure outlined in paragraphs 19 to 26 as a tool to help identify which conservation measures might be considered for a detailed compliance evaluation and also applied it to case studies of individual conservation measures.

Prioritising conservation measures

30. DOCEP noted that, while it would be extremely useful for it to evaluate all conservation measures, this was unrealistic. It therefore focused on identifying priority items for consideration by SCIC and the Commission.

31. DOCEP concluded that Conservation Measure 10-02 should be given overall priority as its requirements underpin vessel compliance with all conservation measures.

32. In addition to Conservation Measure 10-02, DOCEP provided SCIC with a list of draft priorities based on their level of assessed impact. These priority conservation measures include:

Critical –

- Conservation Measure 23-03, Monthly catch and effort reporting
- Conservation Measure 41-01, Annex 41-01/C, Tagging Program
- Conservation Measure 26-01, General environmental protection during fishing.

Serious –

- Conservation Measure 22-07, Vulnerable Marine Ecosystems
- Conservation Measure 23-01, Five-day catch and effort reporting
- Conservation Measure 23-02, Ten-day catch and effort reporting
- Conservation Measure 23-06, Data reporting for krill fisheries
- Conservation Measures 33-01, 33-02 and 33-03, By-catch in Subarea 48.3 and Division 58.5.2 and exploratory fisheries.

33. DOCEP noted that, while it was not necessary to have a full set of data to use the compliance evaluation procedure in testing the procedure on conservation measures in general, the illustrative case studies based on complete data (paragraphs 39 and 40) were considered.

34. In developing a prioritised list of compliance-related conservation measures for SCIC to evaluate for non-compliance, DOCEP identified an impact status for each. DOCEP noted that, in particular, while the compliance-related conservation measures may not have a direct impact on the ecosystem, or harvested and dependent populations, compliance with these measures underpins CCAMLR's ability to effectively assess and manage compliance with all the other measures in force. Using available data, DOCEP identified the relative level of frequency of non-compliance of particular conservation measures, based on a 1 to 5 ranking.

35. DOCEP noted that there were different sources and levels of information available on which to base its assessment. It concluded that its approach was appropriate for determining which conservation measures SCIC should prioritise in evaluating vessel compliance.

36. DOCEP agreed, however, that the question of assigning impacts to individual provisions of various conservation measures required further work, particularly if such provisions were to be considered on an area-by-area basis. DOCEP agreed that this topic should be referred to the Scientific Committee and the Commission for further consideration and advice.

37. Using the frequency data available, DOCEP evaluated the severity of non-compliance with fishery-related conservation measures (Appendix IV, Table 1, Column 7).

38. DOCEP also considered whether an evaluation of compliance performance by area, subarea or division was necessary where the conservation measure applies to the entire Convention Area. DOCEP felt that this was important in cases where conservation measures

were specific to particular areas and discussed whether the frequency and impacts of non-compliance may vary from area to area. DOCEP therefore agreed that a compliance evaluation could be performed by area based on advice from the Scientific Committee.

Case studies

39. DOCEP tested the matrix using available data collected under Conservation Measure 26-01 'General environmental protection during fishing' and Conservation Measure 41-01, paragraph 7, 'General measures for exploratory fisheries for *Dissostichus* spp. in the Convention Area', Annex 41-01/C 'Tagging Program for *Dissostichus* spp. and skates in exploratory fisheries'. The results of these case studies are provided in Appendix VII and are presented for a five-year period (2003–2008) (see also paragraph 40).

40. Consideration was also given to whether a compliance evaluation could include information reported in previous years. DOCEP agreed that a compliance evaluation conducted on a multi-year basis would allow the identification of systematic poor performance and would monitor whether compliance was improving over time or otherwise. DOCEP envisaged that the monitoring of compliance would progress from year to year in order to accumulate a compliance history (paragraph 43).

General

41. DOCEP recognised that the procedure was not able to include all factors which may need to be taken into consideration when determining a response to a severity score. One such factor would be whether a non-compliant vessel was still fishing or whether any infractions that had occurred in previous years had been addressed.

42. DOCEP agreed that it was highly desirable to allow for comments relating to the behaviour of an individual vessel or non-compliance event. Comments should include an indication of whether a vessel had recorded an incident of non-compliance during the current season or whether the incident had been recorded several years previously.

43. DOCEP noted that the outputs of a compliance evaluation should be archived and that further use of such outputs could be developed by SCIC and the Commission. This would facilitate evaluation of compliance trends through time and the monitoring of changes in performance. It would also promote transparency in the compliance evaluation process in the interests of improving identification of compliance failures.

44. DOCEP acknowledged that the evaluation of non-compliance is complementary to, but is not the same as, listing vessels on CCAMLR's IUU lists. It concluded, however, that information derived from the evaluation of non-compliance could be useful in IUU assessments. The conditions for designation of IUU vessels set out in paragraph 5 of Conservation Measure 10-06 remain to be applied in their own right.

DATA ACCESS AND CONFIDENTIALITY

45. DOCEP considered the Rules for Access and Use of CCAMLR Data, including the Rules for Access to CDS Data. It noted that additional rules applied to VMS data. DOCEP agreed that further consideration is required by SCIC and the Commission to determine how CDS and VMS data could be applied, if required, to a compliance evaluation procedure.

46. DOCEP believed that data confidentiality should not create a barrier to conducting a compliance evaluation. It agreed that a credible compliance evaluation would necessarily require vessels to be identified at some stage in the evaluation process in order for the Flag State to take any steps if necessary.

47. DOCEP noted that knowledge of vessel identity could in some cases identify scientific observers. DOCEP agreed to seek SCIC's advice in this regard.

48. DOCEP reiterated that the safety and integrity of observers is a crucial issue. It noted that the role of the observer is to observe and report on the operation of fishing activities in the Convention Area. It was also noted that some vessel-specific data related to compliance conservation measures sourced from scientific observers was already being used by SCIC.

49. DOCEP agreed that the compliance evaluation procedure should be as objective as possible. One way of achieving this would be to reveal the identity of non-compliant vessels on completion of the evaluation process. Throughout the evaluation process, individual vessels should be coded and only linked to their identities by the Secretariat.

CONCLUSIONS

50. DOCEP concluded that the assessment of non-compliance by vessels was a complex and sensitive issue. DOCEP recognised that a formal compliance evaluation procedure would take a number of years to refine and would require the support of all Members of the Commission if it is to better understand the levels of non-compliance. DOCEP further recognised that the procedure had significant potential to assist in SCIC's decision-making process. DOCEP did, however, note that to take the work forward it would need further guidance from SCIC, the Scientific Committee and the Commission.

51. DOCEP recognised that the draft matrix developed had not been exhaustively tested, particularly in respect of potential impacts. DOCEP therefore recommended that it continue to meet on an ad hoc basis for the next three years, either in conjunction with WG-EMM or immediately prior to the Commission meeting in order to conduct ongoing trials of the compliance evaluation procedure and to follow up on other work as directed by SCIC, taking into consideration advice from the Scientific Committee as appropriate. Once SCIC has approved a final evaluation procedure, including assigning the impact scores to particular conservation measures, future compliance evaluation would be compiled by the Secretariat for review by SCIC or a SCIC-appointed subgroup.

52. The steps outlined above should be subject to annual review by SCIC to assess whether the procedure is satisfactorily tracking trends in non-compliance and addressing compliance failures, particularly in the cases of serious and critical non-compliance.

FUTURE WORK

53. DOCEP also recommended that SCIC attempt to identify where non-compliance is occurring and where there may be gaps in information available to SCIC to conduct more in-depth evaluations of non-compliance. DOCEP recognised that gaps in information could arise from a number of sources. For example, reporting provisions of some conservation measures may not be clear in respect to the actual information to be submitted, including the attached formats and deadlines for submission. Equally, information may not have been submitted in response to a conservation measure provision. In the first instance, SCIC may wish to consider determining whether these conservation measures require modification to improve the existing data collection requirements.

SUMMARY OF RECOMMENDATIONS TO SCIC AND THE COMMISSION

54. DOCEP recommended that:

- (i) SCIC endorse the matrix provided in Appendix V which reviews compliance with conservation measures on a vessel-by-vessel basis for the previous five-years' worth of data for that vessel;
- (ii) SCIC note that application of the compliance evaluation procedure by DOCEP indicated a severity score of non-compliance of critical for Conservation Measures 26-01 and 41-01, Annex C;
- (iii) SCIC note that the impact scores from a first-order evaluation by DOCEP were critical for Conservation Measure 23-03 and serious for Conservation Measures 22-07, 23-01, 23-02, 23-06, 33-01, 33-02 and 33-03;
- (iv) once a compliance evaluation procedure had been fully developed and tested, SCIC would ultimately conduct a compliance evaluation on an annual basis;
- (v) vessel names would not be included in any preliminary compliance evaluation, but would be made available to SCIC if, and after, non-compliance had been identified;
- (vi) SCIC consider a range of considerations and actions which could be applied in cases of non-compliance;
- (vii) all CCAMLR Members be consulted by means of a questionnaire in order to assess the impact of non-compliance with aspects of conservation measures on the ecosystem and on harvested, dependent and related populations;
- (viii) the Commission consider instituting a process, which may include convening a working group of experts in order to index and/or review the links between all CCAMLR conservation measures in terms of their operative provisions;
- (ix) a standard set of procedures and reporting formats be developed for port inspections;

- (x) SCIC request the Secretariat to examine the CCAMLR Database in order to identify gaps and, where possible, assign frequencies to each fishery-related conservation measure. The results of this task should then be reviewed by SCIC, taking into account the Scientific Committee's advice;
- (xi) SCIC attempt to identify where non-compliance is occurring and where there may be gaps in information available to SCIC to conduct more in-depth evaluations of non-compliance.

SUMMARY OF MATTERS REFERRED TO SCIC FOR FURTHER CONSIDERATION

55. DOCEP referred the following matters to SCIC and requested that it consider them further and provide advice on:

- (i) whether any future ad hoc meeting of DOCEP be convened in conjunction with WG-EMM or with WG-IMAF and ad hoc TASO;
- (ii) all CCAMLR Members being consulted in order to assess the impact of non-compliance with aspects of conservation measures on the ecosystem and on harvested, dependent and related populations (paragraph 54(vii)). Impacts should be reviewed periodically;
- (iii) a range of responses which could be developed in cases of non-compliance, depending on the severity of the incidents;
- (iv) whether DOCEP's terms of reference might be expanded to include evaluation of Flag State performance;
- (v) endorsement of DOCEP's recommendation that vessels be identified in a compliance evaluation only if, and after, non-compliance had been detected.

ADOPTION OF THE REPORT AND CLOSE OF MEETING

56. The report of the meeting was adopted and the meeting was closed.

57. DOCEP expressed its thanks and appreciation to Norway for hosting the meeting and providing excellent facilities and support.

58. In closing the meeting, the Convener of DOCEP, Ms Dawson-Guynn, thanked participants and the Secretariat, particularly Ms N. Slicer, for their hard work and noted that they had made considerable progress in what had been a very complex task.

59. DOCEP also thanked the participants of the Intersessional Group for their work, particularly the Co-conveners, Ms K. Smith (Australia) and Ms T. Frantz (South Africa).

60. The participants thanked the Convener for her excellent leadership which had contributed to the success of the meeting.

AGENDA**Workshop on the Development of a Compliance Evaluation Procedure (DOCEP)
(Bergen, Norway, 6 to 10 July 2009)**

1. Review existing compliance methodologies in use by other RFMOs.
2. Discuss the Secretariat's identification of key compliance elements from various conservation measures, including data sources and coverage issues. Modify if needed.
3. Categorise compliance elements from Item 2 into three categories:
Fisheries Administration
Resource Management – Species/Environment
Uncertainty (where impact is not clearly defined).
4. Rank 1–5 the level of impact the non-compliance has with regard to these categories above.
5. Analyse the frequency of non-compliance of key elements with the goal of quantifying the impact of repeated non-compliance (taking into consideration different time scales, e.g. one fishing season, annually, across years).
6. Discuss and develop a working matrix that encompasses the severity of the non-compliance using the combination of frequency and impact as developed in Items 4 and 5.
7. Develop appropriate responses to be utilised by the Secretariat and/or the Flag State depending on the category of non-compliance.
8. Document the final process and protocol for dealing with non-compliance into a usable product to present to the Commission.
9. Confidentiality and publication issues.
10. Annual procedure.
11. Advice to SCIC and the Commission.

LIST OF DOCUMENTS

Workshop on the Development of a Compliance Evaluation Procedure (DOCEP)
(Bergen, Norway, 6 to 10 July 2009)

DOCEP-09/1	Agenda
DOCEP-09/4	Assessing compliance performance of CCAMLR Contracting Parties Secretariat
DOCEP-09/5	Identification of key compliance measures – update to SCIC-06/10 Secretariat
Other Documents	
CCAMLR-XXV/37	Evaluation of compliance with conservation measures: identification of key compliance elements Secretariat
CCAMLR-XXVI/BG/32	Convener's Report on the Work of the Intersessional Group for the Development of a Compliance Evaluation Procedure (Convener, South Africa)
CCAMLR-XXVII/44	Proposed work programme 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/8	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2007/08 Secretariat
SCIC-06/10	Identification of key compliance elements: summary of compliance information for 2005/06 season Secretariat
SCIC-08/3 Rev. 2	Retrospective analysis of scientific observer data relating to Conservation Measures 25-02, 25-03 (2006) and 26-01 (2007) Secretariat
WG-FSA-08/7 Rev. 2	A summary of scientific observations related to Conservation Measures 25-02 (2007), 25-03 (2003) and 26-01 (2006) Secretariat

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Workshop on the Development of a Compliance Evaluation Procedure (DOCEP)
(Bergen, Norway, 6 to 10 July 2009)

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KEY COMPLIANCE ELEMENTS

KEY COMPLIANCE ELEMENTS

Table 1: Breakdown of conservation measures. CM – conservation measure; ISMC – International Safety Management Code; SOPEP – Shipboard Oil Pollution Emergency Plan; ANI – *Champscephalus gunnari*; SQS – *Martialia hyadesi*; TOP – *Dissostichus eleginoides*; TOT – *Dissostichus* spp.

CM	Description	Responsibility for compliance	Source(s) of information	Category(ies)	Impact	Frequency	Severity
Compliance							
10-01	Marking of fishing vessels	Vessel	Flag State (via licence/ exploratory notification)	Fisheries administration	4	1	4
	Marking of fishing gear		Inspector (only if inspection conducted)				
10-02 and System of Inspection	Licensing Vessel to Flag State			Fisheries administration	5	1	5
	Notification by vessel of entry/exit to port	Vessel	Flag/Port State				
	Notification of entry/exit/movement		Flag State/Secretariat				
	Reporting of catch data		Flag State/Secretariat				
	Reporting of sightings of fishing vessels		Not able to be assessed				
	Operation of VMS		Flag State/Secretariat				
	ISMC and SOPEP provisions		Not reported to CCAMLR				
	Flag State to CCAMLR Licence notification	Flag State	Secretariat				
	Deadline		Not able to be assessed				
	Completeness		Secretariat				
	Vessel to carry licence	Vessel	Inspector (only if inspection conducted)				
	System of inspection						
	Stop if requested by identified inspector	Vessel					
	Facilitate safe and prompt transfer of inspector						
	Permit inspector to board						
	Provide access to records, gear and catch						
10-03	Port inspections	Contracting Parties	Contracting Party Port State	Fisheries administration			

(continued)

CM	Description	Responsibility for compliance	Source(s) of information	Category(ies)	Impact	Frequency	Severity
10-04	VMS Equipped Reporting to Flag State Reporting to Secretariat where applicable	Vessel Vessel Flag State, but may be designated to vessel	Flag State, Secretariat but may also involve vessel and external service providers	Fisheries administration	5	1	5
10-05	CDS	Contracting Parties but vessel has reporting obligations in respect of estimated catch to be landed and transshipment information	Catch documents submitted to Secretariat	Fisheries administration	5	0	0
10-09	Notification system for transshipments	Vessel to Flag State to Secretariat (may be designated to vessels)	Flag State/Secretariat	Fisheries administration	4	1	4
General fisheries matters – Notifications							
21-01	New fisheries	Members	Secretariat	Fisheries administration			
21-02	Exploratory fisheries notifications Data collection plan Deadline (3 months in advance of annual meeting) Completeness (as per paragraphs 3 and 5)	Members	Secretariat	Fisheries administration			
21-03	Krill fisheries notifications Data collection plan Deadline (1 June prior to season) Completeness (Annexes 21-03/A and 21-03/B)	Members	Secretariat	Fisheries administration			
Gear regulations							
22-01	Mesh size measurement	Vessel	Scientific observer	Environment	4	1.5	6
22-02	Mesh size	Vessel	Scientific observer	Environment	4	1.5	6
22-03	Mesh size for ANI	Vessel	Scientific observer	Environment	4	1.5	6
22-04	Prohibition on gillnetting	Flag State/Vessel	Flag State, inspector (if inspection conducted) Scientific observer	Environment	5	0	0

(continued)

CM	Description	Responsibility for compliance	Source(s) of information	Category(ies)	Impact	Frequency	Severity
22-05	Restrictions on the use of bottom trawling gear	Flag State/Vessel	Flag State (VMS) Inspector, scientific observer	Environment	5	0	0
22-06	Bottom fishing Require licence Preliminary assessment Notify VMEs encountered Cease fishing in identified VME, report to Secretariat	Flag State Flag State Flag State Flag State Vessel/Flag State	Flag State, scientific observer Inspector (if inspection conducted)	Environment	5	0	0
22-07 paragraph 3 paragraph 4 paragraph 5 paragraph 8	VMEs – Vessel requirements Mark fishing lines into segments 10+ indicator units – vessel to cease hauling/setting, report to Flag State, Secretariat 5+ indicator units – report to Flag State, Secretariat Report total benthos recovered in 5-day period	Vessel	Flag State, Secretariat Scientific observer	Environment	5	2	10
Data reporting							
23-01	5-day catch and effort reporting Deadline (end of reporting period) Completeness (total catch all species, days, hours, hooks, pots if applicable)	Vessel to Flag State, Flag State to CCAMLR, but may be directly designated to vessel	Flag State Secretariat	Fisheries administration	5	2.5	12.5
23-02	10-day catch and effort reporting Deadline (end of reporting period) Completeness (catch, days, hours, hooks if applicable)	Vessel to Flag State, Flag State to CCAMLR, but may be directly designated to vessel	Flag State Secretariat	Fisheries administration	5	2.5	12.5
23-03	Monthly catch and effort reporting Deadline (end of each month) Completeness (by-catch, IMAF)	Vessel to Flag State, Flag State to CCAMLR	Flag State Secretariat	Fisheries administration	5	3.5	17.5
23-05	Monthly biological reporting, trawl, longline, pot Deadline (end of each month) Completeness (length measurements, samples by grid)	Vessel to Flag State, Flag State to CCAMLR	Flag State Secretariat	Fisheries administration	1	3	3
23-06	Data reporting for krill fisheries	Flag State	Flag State Secretariat	Fisheries administration	4	3	12

(continued)

CM	Description	Responsibility for compliance	Source(s) of information	Category(ies)	Impact	Frequency	Severity
Research and experiments							
24-02	Longline weighting for seabird conservation Two longline sets Specified longline lengths Achieve sink rates 0.3 m/s (A and B) or 0.2 m/s (C) Further testing every 7 days	Vessel	Scientific observer, Secretariat, WG-IMAF report	Dependent and related species	4	3	8
Minimisation of incidental mortality							
25-02	Minimisation of incidental mortality, longliners Line weighting Night-time setting Dumping of offal whilst setting prohibited Dumping of offal whilst hauling Deploy streamer lines whilst setting Bird scare device whilst hauling if required	Vessel	Scientific observer, Secretariat, WG-IMAF report	Dependent and related species	4	2	8
25-03	Minimisation of incidental mortality, trawlers Prohibition of net monitor cables Minimise lighting Prohibition of discharge of offal during shooting/hauling Minimise time of net on water	Vessel	Scientific observer, Secretariat, WG-IMAF report	Dependent and related species	4	2	8
Environmental protection							
26-01	General environmental protection Disposal of plastic packaging bands Prohibition of discharge at high latitude (oil, food waste, poultry, sewage, offal, ash) Translocation of poultry	Vessel	Scientific observer/Secretariat	Environmental/dependent and related species	3.3	5	16
Fishery regulations – General measures							
31-02	General measure for the closure of fisheries No setting after closure notification received Depart area once all gear has been removed Notify Flag State if unable to do so	Vessel	Flag State/Secretariat	Target species	4	2	8

(continued)

CM	Description	Responsibility for compliance	Source(s) of information	Category(ies)	Impact	Frequency	Severity
Fishing seasons, closed areas and prohibition of fishing							
32-01	Fishing seasons	Flag State/vessel	Flag State	Target species/ dependent and related species			
32-02–32-17	Prohibition of directed fishing, various species, subareas	Vessel/Flag State (licence)	Flag State/Secretariat	Target species	5	0	0
32-18	Conservation of sharks	Vessel		Target species	5	1	5
By-catch limits							
33-01, 33-02, 33-03	By-catch in Subarea 48.3 and Division 58.5.2 and exploratory fisheries	Vessel	Flag State/Secretariat	Dependent and related species	5	2	10
Toothfish							
41-01 paragraph 2 paragraph 4 paragraph 5 paragraph 6 paragraph 7 Annex 41-01/A paragraph 7 Annex 41-01/B paragraph 7, Annex 41-01/C	General measures, TOP exploratory fisheries SSRU closure Regulation of by-catch as per CM 33-03 Report discards Scientific observers Data collection plan, implement Data collection plan, report <3 months after closure Research plan, implement Research plan, report <3 months after closure Tagging program	Vessel Not specified Vessel Not specified Vessel	Flag State Flag State/Designating State Flag State Scientific observer Vessel, scientific observer	Target species/ dependent and related species	4.5 3.5	2 5	9 17.5
41-02–41-04	Catch limits TOP/TOT all subareas	Vessel to Flag State, Flag State to CCAMLR	Flag State/Secretariat	Target species			
Icefish							
42-01, 42-02	Catch limits ANI 48.3, 58.5.2	Vessel to Flag State, Flag State to CCAMLR	Flag State/Secretariat	Target species			
Krill and crab							
51-01–51-05, 52-01–52-02	Catch limits krill, all subareas	Vessel to Flag State, Flag State to CCAMLR	Flag State/Secretariat				
Squid							
61-01	Catch limits SQS	Vessel to Flag State, Flag State to CCAMLR	Flag State/Secretariat				

IMPACTS

- Step 1 – Assign an impact for non-compliance based on a 1 (negligible) to 5 (critical) ranking of the impact of non-compliance on the ecosystem and harvested, dependent and related populations (see Table 1).
- Step 2 – Use an overall average of Members’ rankings as a consensus value for the impact scores.
- Step 3 – Multiply impact and frequency based on available data to arrive at a score reflecting the severity of non-compliance based on the five categories of severity (see Table 2).
- Step 4 – Consider possible actions and responses to cases and patterns of non-compliance tailored to reflect the severity identified by the product of the impact and frequency of the recorded non-compliance (see Appendix VI).

Table 1: Impacts of non-compliance on ecosystem, harvested, dependent or related populations.

Value	Potential impact ¹
1	Where an incident of non-compliance has a negligible impact on the ecosystem or harvested, dependent or related populations. The impact on the management objectives of the fishery would be negligible.
2	Where an incident of non-compliance has a minor impact on the ecosystem or harvested, dependent or related populations with no medium or long-term effects. The impact on the management objectives of the fishery would be minor.
3	Where an incident of non-compliance has a major impact on the ecosystem or harvested, dependent or related populations with no long-term effects. The impact on the management objectives of the fishery would be major.
4	Where an incident of non-compliance has a serious impact on the ecosystem or harvested, dependent or related populations with potential long-term effects. The impact on the management objectives of the fishery would be serious.
5	Where an incident of non-compliance has a critical or irreversible impact on the ecosystem or harvested, dependent or related populations with potentially enduring effects. The impact on the management objectives of the fishery would be critical.

¹ If any one condition listed under each category is fulfilled, this forms a basis for choosing or assigning the impact category.

A precautionary approach should be adopted where uncertainty is present.

Table 2: Matrix of the severity of non-compliance. The overall level of severity indicates the level of non-compliance. 1–4 = Minor, 5–9 = Major, 10–15 = Serious, 16–25 = Critical.

Frequency (no. of years non-compliant)	Impact				
	1	2	3	4	5
1	1	2	3	4	5
2	2	4	6	8	10
3	3	6	9	12	15
4	4	8	12	16	20
5	5	10	15	20	25

POSSIBLE RESPONSES TO NON-COMPLIANCE

The compliance evaluation procedure uses a matrix of impact and frequency of non-compliant activities to serve as the basis for assigning non-compliance status as minor, major, serious or critical, and in determining the urgency of further action. When seeking to address and better understand the causes of non-compliance, SCIC could consider the following in proportion to the status of non-compliance:

- (a) Any information relating to action taken to address non-compliance should be reported to CCAMLR at a minimum by the time of the next CCAMLR meeting.
- (b) Submission of information on incidents of non-compliance should be in writing. Considerations attached to the submission of such information could relate to the timing of submission and availability of time for analysis.
- (c) Any steps taken to address non-compliance and any other relevant information should be reported to CCAMLR at a minimum by the time of the next Commission meeting.
- (d) Where an evaluation has identified widespread non-compliance in any of the categories, SCIC is encouraged to assess the implementation of the relevant conservation measure, and, if necessary, the provisions of the conservation measure itself.
- (e) Account should be taken of uncertainty, including the absence of essential data, in performing an evaluation of non-compliance. In this event, SCIC should consider the consequences of being unable to assess compliance and identify further work for DOCEP if necessary.
- (f) Enhanced monitoring and reporting of vessel activity could be used to determine the causes of, and to address, non-compliance.
- (g) Where a non-compliance evaluation is hindered by a lack of information in respect of reporting requirements or other data gaps, SCIC should advise the Commission on obtaining such information for future compliance evaluations.
- (h) Flag States whose vessels have been evaluated as non-compliant should be informed of such non-compliance.
- (i) Evaluations of non-compliance could be used by SCIC in determining whether or not vessels should be included on the IUU Vessel List where the evaluation indicates serious or critical non-compliance.
- (j) In cases where the level of compliance does not improve in subsequent years and thereafter, SCIC should advise the Commission accordingly and afford priority to identify how compliance could be improved.
- (k) SCIC should advise the Commission of the result of any compliance evaluation as well as provide recommendations for addressing non-compliance, particularly in cases of serious and critical non-compliance.

CASE STUDIES

Table 1: Example of compliance evaluation of Conservation Measure 26-01 'General environmental protection during fishing'.

Vessel	Subarea/ division	Impact	Frequency (no. of years non-compliant)	Severity	Status	Comments
1	All	3.3	5	16.5	Critical	All areas combined
2	All	3.3	5	16.5	Critical	All areas combined
3	48.3/4	3.3	1	3.3	Minor	
4	48.3/4	3.3	2	6.6	Major	
1	48.3/4	3.3	2	6.6	Major	
5	48.3/4	3.3	4	13.2	Serious	
6	48.3/4	3.3	1	3.3	Minor	
2	48.6	3.3	4	13.2	Serious	
2	58.4	3.3	1	3.3	Minor	
7	58.4	3.3	1	3.3	Minor	
8	58.4	3.3	1	3.3	Minor	
9	58.4	3.3	2	6.6	Major	
10	58.4	3.3	2	6.6	Major	
1	58.6/7	3.3	4	13.2	Serious	
11	88.1/2	3.3	1	3.3	Minor	
12	88.1/2	3.3	1	3.3	Minor	
13	88.1/2	3.3	1	3.3	Minor	

Table 2: Example of compliance evaluation of Conservation Measure 41-01, paragraph 7, Annex 41-01/C 'Tagging program'.¹

Vessel	Impact	Frequency (no. of years non-compliant)	Severity	Status	Comments
2	3.5	1	3.5	Minor	
14	3.5	1	3.5	Minor	
15	3.5	1	3.5	Minor	
16	3.5	2	7	Major	
17	3.5	1	3.5	Minor	
18	3.5	2	7	Major	
19	3.5	1	3.5	Minor	
20	3.5	2	7	Major	
4	3.5	3	10.5	Serious	
21	3.5	3	10.5	Serious	
22	3.5	1	3.5	Minor	
7	3.5	2	7	Major	
23	3.5	3	10.5	Serious	
24	3.5	3	10.5	Serious	
25	3.5	1	3.5	Minor	
26	3.5	1	3.5	Minor	
10	3.5	2	7	Major	
27	3.5	1	3.5	Minor	
9	3.5	2	7	Major	
28	3.5	2	7	Major	
29	3.5	1	3.5	Minor	
30	3.5	1	3.5	Minor	
13	3.5	1	3.5	Minor	
31	3.5	1	3.5	Minor	

¹ The compliance evaluation undertaken in respect of this measure relates to all areas in which tagging is required and has not been broken down any further.