

CONSERVATION MEASURE 10-10 (2012)
CCAMLR Compliance Evaluation Procedure

| | |
|---------|-----|
| Species | all |
| Area | all |
| Season | all |
| Gear | all |

The Commission,

Recalling that the Commission has adopted a wide range of conservation measures to give effect to the objective of the Convention,

Noting Article XXI of the Convention which requires Contracting Parties to take appropriate measures within their competence to ensure compliance with the provisions of the Convention and with conservation measures adopted by the Commission,

Noting that, in accordance with Article X of the Convention, the Commission has undertaken to draw the attention of all Contracting Parties to any activity which, in the opinion of the Commission, affects the implementation by a Contracting Party of the objective of the Convention or the compliance by that Contracting Party with its obligations under the Convention,

Noting also that, in accordance with international law, as well as Conservation Measures 10-06 and 10-08, Contracting Parties have responsibilities to exercise effective control over their flagged vessels and with respect to their nationals,

Noting further that, in a responsible, open, transparent and non-discriminatory manner, the Commission should be made aware of all available information that may be relevant to the work of the Commission in identifying and addressing instances of non-compliance with conservation measures,

Recalling the obligation of Contracting Parties to notify and inform the Secretariat of possible instances of non-compliance and to respond to such instances in accordance with the requirements of existing conservation measures,

hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. Draft CCAMLR Compliance Reports

- (i) The Secretariat shall compile a Draft CCAMLR Compliance Report using the template in Annex 10-10/A for each Member of the Commission. The Draft CCAMLR Compliance Report will cover the period 1 December–30 November¹ in the current fishing year. In compiling Draft CCAMLR Compliance Reports, the Secretariat shall take into account appropriate compliance data holdings, as well as data from other relevant sources.
- (ii) The Secretariat shall circulate to each Member of the Commission its respective Draft CCAMLR Compliance Report no later than 75 days before the annual Commission meeting.
- (iii) In considering its Draft CCAMLR Compliance Report, each Member of the Commission shall identify in the 'Additional Information' column in

Annex 10-10/A, any information relevant to its implementation of each conservation measure. This may include, for example, a description of how the conservation measure is implemented and/or action taken to address any non-compliance.

- (iv) Each Member of the Commission shall return its Draft CCAMLR Compliance Report incorporating any additional information to the Secretariat no later than 45 days before the annual Commission meeting. Where no response is received from a Member of the Commission under paragraph 1(iii), the Secretariat shall note nil response in the relevant Draft CCAMLR Compliance Report.

2. Summary CCAMLR Compliance Report

- (i) The Secretariat shall prepare a Summary CCAMLR Compliance Report based on the Draft CCAMLR Compliance Reports. This report shall include, *inter alia*, a summary of Members' implementation of conservation measures. The Draft CCAMLR Compliance Reports shall be annexed to the Summary CCAMLR Compliance Report.
- (ii) The Summary CCAMLR Compliance Report shall be made available on the secure CCAMLR website for consideration no later than 30 days before the annual Commission meeting. As soon as practicable after posting the Summary CCAMLR Compliance Report, the Secretariat shall notify Members of its availability.

3. Provisional CCAMLR Compliance Report

- (i) At its annual meeting, the Standing Committee on Implementation and Compliance (SCIC) shall consider the Summary CCAMLR Compliance Report, taking into account any additional information received.
- (ii) On the basis of the information considered in paragraph 3(i), SCIC shall adopt an annual Provisional CCAMLR Compliance Report, by consensus in which it shall record its findings of non-compliance. The Provisional CCAMLR Compliance Report shall include an assessment of compliance status, in accordance with Annex 10-10/B, 'Compliance Status Categories'. The Provisional CCAMLR Compliance Report shall also include recommendations to the Commission regarding:
 - (a) any remedial action taken, or proposed to be taken, by the Member;
 - (b) where appropriate, proposals to amend existing conservation measures;
 - (c) priority obligations to be monitored and reviewed; and
 - (d) other responsive action which may be considered by the Commission, as appropriate.

4. CCAMLR Compliance Report

- (i) At its annual meeting, the Commission shall consider the Provisional CCAMLR Compliance Report.
- (ii) The annual CCAMLR Compliance Report will outline the Commission's response to the recommendations of SCIC in the Provisional CCAMLR Compliance Report.

5. Review of Conservation Measure

- (i) At its annual meeting, SCIC will consider the effectiveness of this conservation measure in evaluating and addressing non-compliance, and will report to the Commission on its findings and recommendations for improving this conservation measure.

¹ Information for the period of fishing not covered in the report will be considered the following year.

TEMPLATE FOR CCAMLR COMPLIANCE REPORTS
DRAFT CCAMLR COMPLIANCE REPORT FOR 1 DECEMBER [YEAR] TO 30 NOVEMBER [YEAR]
[MEMBER]

| Conservation measure | Conservation measure implementation ¹ (description of what Secretariat records show with respect to implementation of conservation measure, including history) [To be completed by Secretariat] | Additional information (including, but not limited to, further information on the implementation of conservation measures, action taken/to be taken and expected time frame to effectively address possible non-compliance) [To be completed by Member] | SCIC comments/ compliance status/ recommended action(s) [To be completed by SCIC] |
|--|---|---|--|
| 10-01 Marking of fishing vessels and fishing gear | | | |
| 10-02 Licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area | | | |
| 10-03 Port inspections of vessels carrying toothfish | | | |
| 10-04 Automated satellite-linked Vessel Monitoring Systems (VMS) | | | |
| 10-09 Notification system for transshipments within the Convention Area | | | |

¹ 'Not applicable' should be used where a conservation measure does not apply to a Member.

| Conservation measure | Conservation measure implementation (description of what Secretariat records show with respect to implementation of conservation measure, including history) [To be completed by Secretariat] | Additional information (including, but not limited to, further information on the implementation of conservation measures, action taken/to be taken and expected time frame to effectively address possible non-compliance) [To be completed by Member] | SCIC comments/ compliance status/ recommended action(s) [To be completed by SCIC] |
|--|--|---|---|
| 22-07 Interim measure for bottom fishing activities subject to Conservation Measure 22-06 encountering potential vulnerable marine ecosystems in the Convention Area | | | |
| 23-06 Data reporting system for <i>Euphausia superba</i> fisheries | | | |
| 23-07 Daily Catch and Effort Reporting System for Exploratory Fisheries, with the exception of exploratory krill fisheries | | | |
| 24-02 Longline weighting for seabird conservation | | | |

| Conservation measure | Conservation measure implementation (description of what Secretariat records show with respect to implementation of conservation measure, including history) [To be completed by Secretariat] | Additional information (including, but not limited to, further information on the implementation of conservation measures, action taken/to be taken and expected timeframe to effectively address possible non-compliance) [To be completed by Member] | SCIC comments/ compliance status/ recommended action(s) [To be completed by SCIC] |
|--|--|--|--|
| 25-02 Minimisation of the incidental mortality of seabirds in the course of longline fishing or longline fishing research in the Convention Area | | | |
| 25-03 Minimisation of the incidental mortality of seabirds and marine mammals in the course of trawl fishing in the Convention Area | | | |
| 26-01 General environmental protection during fishing | | | |
| 31-02 General measure for the closure of all fisheries | | | |
| 41-01 General measures for exploratory fisheries for <i>Dissostichus</i> spp. in the Convention Area | | | |

COMPLIANCE STATUS CATEGORIES

| Compliance status | Criteria | Suggested action |
|--|---|---|
| Compliant | Member fully compliant with obligations | No action required |
| Partially compliant | Minor infringements evident | <p>Identify non-compliance of a technical or minor nature, or which requires the provision of further actions</p> <p>Identify actions and time frames on matters including amendment to procedures and, in the case of Members that require additional capacity, request technical and capacity-building assistance</p> <p>Resolve implementation gap or misunderstanding</p> <p>If necessary, review conservation measure to address any technical impediments to implementation</p> |
| Additional information required | <p>Where there exists no/insufficient information for verification</p> <p>Insufficient, unclear or incorrect data</p> <p>Ambiguity or misunderstanding of relevant obligation</p> | <p>Review by SCIC and the Commission and seek further information and action(s) by Member</p> <p>If necessary, review conservation measure to address any technical impediments to implementation</p> |
| Non-compliant | Non-compliance with conservation measures of CCAMLRL | Review by SCIC and Commission and recommend further action(s) by Member |
| Seriously, Frequently or Persistently non-compliant | Serious, frequent or persistent non-compliance in relation to breaches of conservation measures which undermines the objectives of CCAMLRL | Review by SCIC and the Commission and recommend further action(s) by Commission |