

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

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

OPENING OF THE MEETING

1.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was held in Hobart, Australia, from 24 to 28 October 2011.

1.2 The Chair of SCIC, Ms K. Dawson-Guynn (USA) opened the meeting and all Members of the Commission, except India, participated. Observers invited by the Commission to participate at CCAMLR-XXX were welcomed and invited to participate in the meeting of SCIC as appropriate.

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

1.4 SCIC elected Mr J. Jansen (UK) to the position of Vice-Chair of the Committee.

REVIEW OF COMPLIANCE-RELATED MEASURES AND POLICIES

Compliance with conservation measures in force

System of Inspection

2.1 The Committee reviewed the implementation of the System of Inspection during 2010/11. SCIC noted that no infractions had been reported as a result of any at-sea inspections.

2.2 The UK reminded Members of the importance of the System of Inspection and urged Members to undertake inspections where possible and report the results back to the Commission.

Exploratory and krill notifications and preliminary assessments of bottom fishing

2.3 All Members notifying for exploratory bottom fisheries had submitted preliminary assessments of known and anticipated impacts of bottom fishing activities on vulnerable marine ecosystems (VMEs) in accordance with Conservation Measure (CM) 22-06. SCIC noted all preliminary assessments of proposed bottom fishing had been received by the required deadlines.

2.4 Some Members noted with concern that several notifications were missing required information (CCAMLR-XXX/BG/27, Appendix I).

2.5 The Republic of Korea (hereafter referred to as Korea), the Russian Federation (hereafter referred to as Russia) and South Africa provided the missing information during the course of the meeting.

2.6 Some Members expressed concern at the late submission of the Ukraine's notification for the krill fishery (SC-CAMLR-XXX/BG/13).

2.7 SCIC noted that Ukraine's notification was not in compliance with CM 21-03 due to its late submission and that because of this, it could not be considered at WG-EMM.

2.8 SCIC noted that this issue required the consideration of the Commission to determine if the notification should be accepted or not.

2.9 SCIC also noted the Scientific Committee's advice that WG-EMM had reviewed all other krill notifications submitted for 2011/12 and had advised the Scientific Committee that sufficient information had been provided by Members and that the notifications met the requirements of CM 21-03.

Tagging program

2.10 SCIC considered reports for tagging rates during 2010/11 (CCAMLR-XXX/BG/27, Table 3). All vessels, except the Korean-flagged *Hong Jin No. 707*, achieved the required minimum tagging rate. All vessels achieved the required tag overlap statistic.

2.11 Some Members were pleased to note that this was a vast improvement on previous years but noted with disappointment that the *Hong Jin No. 707* failed to meet the required tagging rate.

2.12 Members expressed concern that the *Hong Jin No. 707* had not achieved the required tagging rate and requested an explanation regarding this.

2.13 Korea advised SCIC that due to operational difficulties associated with the closure of the fishery, the vessel was unable to complete its tagging requirement as it was attempting to haul all lines.

2.14 New Zealand stated that the closure of the fishery should not have affected the tagging rate as fish are required to be tagged continuously while fishing.

Closure of fisheries

2.15 SCIC noted that on 14 January 2011, Subarea 88.1 was closed and the Korean-flagged *Hong Jin No. 707* was present at the time of the closure. SCIC also noted that the New Zealand-flagged *Antarctic Chieftain* and *San Aotea II* were present at the time of the closure.

2.16 New Zealand advised SCIC that the *Antarctic Chieftain* and *San Aotea II* had made all reasonable efforts to remove lines from the water by the closure date and as a result of investigations conducted, both vessels were deemed to be in full compliance with CM 31-02.

2.17 Korea advised SCIC that the *Hong Jin No. 707* vessel made all reasonable efforts to haul its lines and this was hindered by the presence of sea-ice. Investigations regarding this matter found the vessel complied with CM 31-02 and no further action was required.

2.18 SCIC noted that on 8 February 2011, Subarea 88.2 was closed and the Uruguayan-flagged vessel *Ross Star* was present at the time of the closure.

2.19 Uruguay advised SCIC that the *Ross Star* did not set any lines after it had received notification of the closure and had made all reasonable efforts to haul lines, but this was hindered by the presence of sea-ice.

2.20 SCIC noted that on 25 February 2011, SSRU 5842E was closed and the Korean-flagged vessel *Insung No. 7* was present at the time of the closure. It was also noted that the *Insung No. 7* was the only vessel that operated in SSRU 5842E, and would have been aware that the catch limit had been exceeded before being notified of the closure.

2.21 Korea advised the Secretariat on 25 February 2011 that the vessel had been unable to retrieve seven lines by the closure date.

2.22 The *Insung No. 7* caught 135.7 tonnes in SSRU 5842E where the catch limit is set at 40 tonnes. Subsequent information provided by Korea stated that among those 136 tonnes, 35 tonnes were caught by setting and hauling two additional lines after the Master knew that the limit had already been exceeded. This 35 tonnes of illegal catch was in addition to 61 tonnes of over-catch from the five lines still in the water.

2.23 Korea advised SCIC that sanctions had been imposed following its investigations consisting of a 30-day suspension of the Master's licence, a 30-day suspension of the vessel's licence and a monetary penalty of KRW1.5 million which Members calculated to be approximately US\$1 300.

2.24 Members thanked Korea for the report but expressed great concern regarding the 339% over-catch in SSRU 5842E (194% over-catch of the fishery-wide catch limit in Division 58.4.2), and the intentional nature of the actions by the *Insung No. 7* and the inadequacy of the penalties imposed.

2.25 Members expressed concern that the monetary penalty imposed was insignificant in comparison to the value of the 35 tonnes of toothfish which Korea concluded had been taken illegally and was estimated by Members to be worth US\$500 000. Members noted that for penalties to be effective and serve as a deterrent they should be far greater than the economic benefit derived from the illegal activity.

2.26 The USA and many other Members insisted that the evidence of IUU activity was clear and convincing, and it was also clear that sanctions against the vessel were completely inadequate. Thus, the actions of the *Insung No. 7* qualify the vessel for inclusion on the CP-IUU Vessel List under several subparagraphs in CM 10-06. They stated that, with a view to treating all vessels equally, to holding Members to the same standards to which CCAMLR would hold non-Members, and to maintain the integrity of CCAMLR conservation measures, the Commission must include the *Insung No. 7* on the CP-IUU Vessel List.

2.27 Some Members also expressed concern that the *Insung No. 7* had a variable and anomalously high CPUE.

2.28 The Scientific Committee Chair, Dr D. Agnew (UK), advised SCIC that the CPUE achieved by some vessels over a number of years in fisheries in Subarea 58.4 was much higher than in other areas and those differences were greater than expected.

2.29 The USA noted the advice of the Scientific Committee Chair that in 2010/11 a CPUE of 1.07 kg/hook had been reported in SSRU 5842E, an area where the average CPUE was 0.2 kg/hook in the previous two seasons.

2.30 Korea informed SCIC that the *Insung No. 7* in 2010/11 and the *Insung No. 2* in 2009/10 had very high CPUEs in Subarea 58.4. Korea provided the Scientific Committee Chair and SCIC with an explanation regarding the high CPUE of the *Insung No. 7* that included sea-ice conditions and the use of illuminated tape on the trotline, and asked the Scientific Committee Chair to investigate this issue.

2.31 The Scientific Committee Chair advised SCIC that the Scientific Committee had discussed the issue of high CPUE and over-runs in exploratory fisheries and had recommended further investigation of this matter by its subsidiary bodies.

2.32 The Scientific Committee Chair recommended that SCIC consider amending conservation measures to prohibit vessels from changing gear type once it had been described in a fishery notification. The Scientific Committee Chair noted that the use of different gears made it difficult to investigate trends in CPUE.

Environmental protection and mitigation measures

2.33 SCIC considered reports compiled by international scientific observers in respect of vessels' conformity with CMs 24-02, 25-02, 25-03 and 26-01 (WG-FSA-11/6). Vessels which had been reported by observers not to have conformed to all the requirements of these measures during the 2010/11 season were:

CM 26-01 –

- (i) *El Shaddai* (South Africa) which discarded fishing gear (snoods) at sea (WG-IMAF-11/6, Table 1).

CM 25-02 –

- (ii) *Hong Jin No. 701* (Korea) which exceeded the maximum spacing between weights on longlines (WG-IMAF-11/6, Table 5); however, this vessel used an integrated weighted line (IWL) system.
- (iii) *El Shaddai* (South Africa) due to the discharge of hooks in offal (WG-IMAF-11/6, Table 1).
- (iv) *Insung No. 7* (Korea), *El Shaddai* (South Africa) and *Ostrovka* and *Gold Gate* (Russia) which used streamers that did not meet the minimum length specified (WG-IMAF-11/6, Table 2).

- (v) *Chio Maru No. 3* and *Sparta* (Russia) which failed to have a streamer line with a minimum total length of 150 m (WG-IMAF-11/6, Table 2).
- (vi) *El Shaddai* and *Koryo Maru No. 11* (South Africa) did not use a bird exclusion device during 100% of hauls (WG-IMAF-11/6, Table 2).

2.34 Russia expressed concerns over the reported non-compliance of four of its vessels with CM 25-02 relating to total streamer line length and attached streamer lengths. Russia informed SCIC that it had addressed an official request on this issue to the Head of the Ukrainian Delegation. Ukraine informed Russia that an investigation regarding this matter was carried out with the participation of the coordinator of the Ukrainian National Scientific Observer Program. The investigation revealed that both the vessels had streamer lines of 150 m total length which complies with CM 25-02. The wrong length of streamer line length reported to the Secretariat appeared as a result of a technical error in sending this information.

2.35 Ukraine informed SCIC that it had resubmitted the corrected scientific observer reports to the Secretariat with regard to the *Chio Maru No. 3* and the *Sparta*.

2.36 Russia also informed SCIC that in relation to the use of short streamers attached to the streamer line on the *Ostrovka* and *Gold Gate*, this was done as part of an experiment looking at different streamer line configurations and that experiments of this kind would not be conducted in the future.

2.37 South Africa advised that it will investigate the reported non-compliance of the vessels *El Shaddai* and *Koryo Maru No. 11* in respect of CMs 25-02 and 26-01. South Africa informed SCIC that it will provide a report on its findings and any actions taken to the Secretariat as soon as possible.

2.38 Korea also expressed its concerns over the report that two of its vessels were not compliant with CM 25-05. Korea explained that the *Hong Jin No. 701* used many different line weights and that a mistake was made with the distance between weights. It reported that this vessel also used an IWL of 200 g m⁻¹ which allowed the line to achieve a higher sink rate than that listed in CM 24-02. Korea suggested as a result of this information, it may be necessary to consider amending paragraph 3 of CM 25-02 to reflect the use of IWLs with Spanish longline systems. The Scientific Committee Chair invited Korea to submit the relevant information, including thorough documentation of the experiment concerning amendment of CM 25-02, to the Scientific Committee for consideration. SCIC reiterated that current conservation measures had to be complied with.

2.39 SCIC noted that there were no reported instances of non-compliance with CM 25-02 for those vessels operating in 2010/11 in Subarea 48.3. Therefore, all vessels which operated in this area in 2010/11 could be potentially eligible to be granted a licence extension to the fishing season.

2.40 The Scientific Committee Chair advised SCIC that the overall implementation of conservation measures appeared to have improved in 2010/11 in respect of tagging rates, tag overlap statistics, seabird by-catch mitigation and the preliminary assessment of bottom fishing impacts, and that there was evidence in the data to support this.

Control of nationals

2.41 SCIC considered a report submitted by Chile on the implementation of CM 10-08 during 2010/11 (CCAMLR-XXX/BG/17) that outlined new domestic legislation for the control of nationals who engage in IUU fishing.

2.42 Members commended Chile for its efforts in this and the timely manner in which this work occurred.

2.43 SCIC considered a report submitted by the EU in relation to Spain's implementation of CM 10-08 as transposed in EU Regulation 1099/2007 during 2010/11 (CCAMLR-XXX/BG/35) which reported a number of sanctions imposed on Spanish nationals.

2.44 The EU reported that, due to insufficient evidence, Spain had not been able to proceed against individuals reported by Australia to be Spanish nationals on the vessel *Kuko* as the only evidence was a transcript of radio communication and this was not sufficient to pursue prosecution.

2.45 Australia advised SCIC that it did not have the authority to board the vessel *Kuko* because it was a flag-of-convenience IUU vessel, and noted that Australia has provided all the information it has obtained legally to the Secretariat. Australia further requested that Spain continue its efforts in making enquiries regarding its nationals through Port States and Flag States. Australia advised that information exchange between Australia, Spain and the EU is continuing.

2.46 The EU reported that Spain investigated the case of the vessel *Tchaw* which has remained in the port of Vigo since October 2010 and that this investigation is likely to lead to sanctions. The EU reiterated the actions taken by Spain against Vidal Armadores and against the *Corvus* and *Chilbo San 33*. This included financial sanctions as well as the suspension of all permits and licences for two years.

VMS reporting

2.47 The Secretariat urged those Members wishing to voluntarily report VMS data for toothfish fishing outside the Convention Area to regularly liaise with the Secretariat, particularly when vessels departed port or had new units installed. The Secretariat further encouraged Members to urge vessels flying their flag to regularly check their contracts with CLS Argos in respect of the authorisation periods relating to the CLS Automatic Distribution Service (ADS).

Compliance Evaluation Procedure

2.48 SCIC considered intersessional work conducted by Australia as the Convener for the Development of a Compliance Evaluation Procedure (DOCEP) (CCAMLR-XXX/31). The Convener reported on further work associated with DOCEP and thanked the EU, Korea, New Zealand, Norway, Russia, Spain, Sweden, UK and the USA for contributions both intersessionally and at this meeting.

2.49 SCIC acknowledged the significant work undertaken by Australia in the intersessional period and noted that the procedure could benefit from further refinement and simplification. SCIC noted the need for an incremental approach.

2.50 SCIC expressed support for DOCEP and drew attention to the importance of monitoring and reporting on compliance in a standardised way.

2.51 A number of issues were raised in respect of the procedure, including:

- (i) the complexity of the process and the potential for administrative burden it poses
- (ii) the lack of consequences associated with the procedure
- (iii) the reliance on self-assessment reports
- (iv) the timeframes proposed and the possible conflict with the timeframes specified in relevant conservation measures.

2.52 Through SCIC and the Drafting Group, significant progress was made in refining the compliance evaluation procedure. Australia was of the view that CCAMLR is now in a position to develop a compliance evaluation procedure that could be put forward as a draft conservation measure for adoption although it is possible that for now, the work of DOCEP itself may have been exhausted. Consequently, Australia invited interested Members to work informally with Australia to contribute to the development of a draft conservation measure for submission and possible adoption at CCAMLR-XXXI.

2.53 Russia encouraged the DOCEP group to continue to work actively to provide substantive advice to SCIC. The situation in respect of the *Insung No. 7* demonstrated the urgency for a compliance evaluation procedure, particularly in terms of evaluating the severity of such incidents. Russia was of the view that an unprejudiced decision could be made by using an appropriate procedure for categorising the seriousness of conservation measure violations, similar to the compliance evaluation procedure proposed by the DOCEP group. The incident with *Insung No. 7* demonstrated the necessity for the DOCEP group to adopt specific recommendations on a conservation measure's violation severity as soon as possible. Russia suggested that the incident with *Insung No. 7* should not be considered in future as a precedent for categorising the seriousness of conservation measure violations and bypassing DOCEP. So far as DOCEP was not applied in that case, Russia was in doubt about the ultimate validity of the inclusion of the *Insung No. 7* in the Final CP-IUU Vessel List and reserved its position for discussion at the Commission.

2.54 SCIC congratulated Australia for the work undertaken on this matter to date and welcomed its suggestion to undertake further intersessional consultation to develop a new conservation measure proposal for next year. All Members were encouraged to engage constructively.

Proposals for new and revised measures

2.55 In introducing their proposal to report very serious marine casualties (CCAMLR-XXX/24), the USA and New Zealand noted the importance of promoting the safety of vessels operating in the difficult conditions of the Southern Ocean. The USA noted that the proposal seeks to improve safety conditions at sea through an amendment to CM 10-02 requesting investigation reports following very serious marine casualties. The USA also noted that the

proposal is consistent with Article 94(7) of the UN Convention on the Law of the Sea (UNCLOS) as it applies to fishing vessels operating under CCAMLR's jurisdiction in the Southern Ocean.

2.56 Members expressed general support for this proposal, however, some Members questioned whether maritime safety was solely within the competence of CCAMLR and others questioned whether it was part of CCAMLR's mandate. The USA and New Zealand accommodated these concerns through the text agreed by SCIC.

2.57 In introducing its proposal to prohibit shark finning (CCAMLR-XXX/25), the USA reminded SCIC of the United Nations General Assembly Resolutions on the practice of shark finning. While CCAMLR CM 32-18 bans the directed fishing of sharks, except for scientific research, and requires as far as possible the live release of incidentally caught sharks, there are no provisions in place to prohibit shark finning.

2.58 While several Members expressed support for the proposal, others expressed concerns that precluded them from supporting it.

2.59 The EU advised SCIC that continuing internal deliberations regarding the revision of EU Regulation 1185/2003 on shark finning prevented it taking a definitive position.

2.60 In relation to this proposal, the IUCN made the following statement:

'The IUCN appreciates this opportunity to express strong support for the proposal from the United States to manage shark finning through a prohibition on the removal of shark fins at sea.

The IUCN Shark Specialist Group has long advised that the "fins naturally attached" method is the most reliable means to facilitate the collection of the species-specific catch data needed for sound population assessment and fisheries management. At the 2008 World Conservation Congress, the IUCN adopted a global policy against finning which calls on States to end all at-sea removal of shark fins.

Links to this and other finning policy statements can be found on the IUCN Shark Specialist Group website. Also available is a 2010 expert report on this subject, prepared in conjunction with the European Elasmobranch Association, which recommends "fins naturally attached" strategies based on a thorough evaluation of the various methods used to enforce finning bans around the world.

Lastly, it is important to note that finning bans alone, even when well-enforced, will not prevent overfishing of sharks. Catch limits based on scientific advice and the precautionary approach are essential to ensure that shark mortality and fisheries are sustainable. The IUCN remains eager to advise and assist in the development of such measures, and effective finning bans, on both national and international levels.'

2.61 Recognising that some Members were not prepared to act on its shark finning proposal at this meeting, the USA withdrew the proposal to prohibit shark finning in the CAMLR Convention Area (CCAMLR-XXX/25).

2.62 In presenting the proposal to amend CM 10-03 (CCAMLR-XXX/28), the USA and EU reminded SCIC that this is the second time this proposal has been tabled and highlighted the intersessional work undertaken by Members on this proposal.

2.63 Some Members expressed concern regarding a possible issue between domestic consideration of the FAO Port State Measures Agreement and the proposal before CCAMLR. Some Members supported the proposal and advised SCIC that there was value in improving CM 10-03.

2.64 In introducing its proposal to amend CM 10-02 (CCAMLR-XXX/36), the EU reminded SCIC that the issue of mandatory IMO numbering had been discussed in 2010 and that this amendment would demonstrate CCAMLR's commitment to combatting IUU.

2.65 The People's Republic of China (hereafter referred to as China) indicated that the IMO numbering scheme in relation to fishing vessels is being considered in some competent international organisations, and that there is no domestic legislation requiring IMO numbering for fishing vessels. China had reservations about the EU's proposal at this stage.

2.66 Many Members expressed their support for this proposal and noted that a high percentage of vessels operating in the CAMLR Convention Area already had IMO numbers.

2.67 In introducing its proposal to amend CM 10-09 (CCAMLR-XXX/37), for the introduction of a notification system for transshipments of krill, the EU noted that this would increase the Commission's understanding of operations in the Convention Area, and improve the regulation of the krill fishery. The EU reminded Members of the importance of krill in the Southern Ocean ecosystem.

2.68 Japan expressed concerns that it was not fully convinced about the necessity of this proposal, nevertheless agreed with SCIC to recommend the proposal for adoption by the Commission.

2.69 In introducing its proposal (CCAMLR-XXX/42), for a resolution on the transshipment of persons, Chile reminded Members of the importance in improving safety at-sea.

2.70 Members expressed support for the intent of this proposal, which was amended to address practicality questions raised by a few Members.

2.71 In introducing its proposal for a general conservation measure to establish Marine Protected Areas (MPAs) (CCAMLR-XXX/31), Australia highlighted the work undertaken in 2010 and the extensive consultations that had taken place in the intersessional period.

2.72 Some Members expressed views, including the need to ensure the freedom of navigation and sovereign control of vessels in MPAs, the need for clear objectives for MPAs taking note of Article II, the requirements of individual conservation measures establishing MPAs and the need for monitoring.

2.73 Australia thanked Members for their valuable contributions and looked forward to progressing the proposal for a general conservation measure on MPAs in the Commission.

Draft proposals agreed by SCIC

2.74 SCIC agreed to forward the following measures to the Commission with a recommendation that they be adopted:

- (i) a proposal submitted by the USA and New Zealand to amend CM 10-02 to report marine casualties to CCAMLR (CCAMLR-XXX/24)
- (ii) a proposal submitted by Chile for a draft of a resolution on the provision of flag vessel information to Maritime Rescue Coordination Centres (CCAMLR-XXX/42)
- (iii) a proposal submitted by the EU to amend CM 10-09 for the introduction of a notification system for transshipments of krill (CCAMLR-XXX/37).

Draft proposals forwarded to the Commission for further consideration

2.75 SCIC agreed to forward the following measures to the Commission for further consideration:

- (i) a proposal submitted by the USA to amend CM 10-04 to enhance planning for inspection and enforcement missions in the CCAMLR area (CCAMLR-XXX/26)
- (ii) a proposal submitted by the USA and the EU to amend CM 10-03 to strengthen CCAMLR's port inspection scheme to prevent, deter and eliminate IUU fishing (CCAMLR-XXX/28)
- (iii) a proposal submitted by the EU to amend CM 10-02 to render IMO numbers mandatory (CCAMLR-XXX/36)
- (iv) a proposal submitted by Australia for a general conservation measure to establish MPAs in the CCAMLR area (CCAMLR-XXX/30).

IUU FISHING IN THE CONVENTION AREA

Current level of IUU fishing

3.1 The Committee considered information submitted by Australia (CCAMLR-XXX/BG/18), France (CCAMLR-XXX/34), Australia and France (CCAMLR-XXX/BG/9) and the Secretariat (CCAMLR-XXX/43, BG/40 and WG-FSA-11/10) in respect of the current level of IUU fishing in the Convention Area during 2010/11.

3.2 Five vessels were reported to have engaged in IUU fishing activity in the Convention Area during 2010/11. Three IUU-listed vessels were sighted outside the Convention Area in 2010/11. SCIC noted that the IUU vessel *Yangzi Hua 44* was active in the Convention Area in Divisions 58.4.1 and 58.4.4 based on VMS data summarised in CCAMLR-XXX/BG/40.

3.3 Six of the identified vessels are reported to be using gillnets, one, *Sima Qian Baru 22*, is reported to be using longlines and one, *Koosha 4*, is a refrigerated cargo vessel.

3.4 France and Australia observed that cooperative surveillance contributed to improving information obtained on IUU fishing and thus has a deterrent effect on IUU fishing. Following its observations, France proposed that the protected section of the CCAMLR website should be updated in order that relevant observations related to IUU activities reported to the Secretariat are readily accessible in real time to Members during the intersessional period and include flag changes, vessel name changes, owner changes and other information provided by Flag States.

3.5 ASOC introduced CCAMLR-XXX/BG/22 and called on CCAMLR Members to take the following actions to more effectively combat IUU fishing:

- (i) review CCAMLR's conservation measures to streamline existing Port State measures to systematise current overlaps between measures and increase clarity in the regime
- (ii) adopt a set of Port State measures aligned with those in the FAO Port State Measures Agreement that are applicable to all vessels entering, or in ports of, CCAMLR's Contracting Parties, while not weakening any of its measures currently applicable to toothfish vessels
- (iii) allocate special funds for the effective implementation of CCAMLR Port State measures by Developing States
- (iv) require that the owner of any fishing and support vessel authorised to operate in the CCAMLR area register with IHS Fairplay and obtain an IMO number, and maintain all required information up to date. This number should be on record, used in all relevant communications and be made publicly available.

3.6 The Scientific Committee Chair advised SCIC that there is no evidence to suggest that IUU fishing has declined and that it continued at a low level, although it was possible it was increasing and the spatial distribution of IUU fishing may be changing.

3.7 The Scientific Committee Chair reported that the Scientific Committee had recommended revisiting the recommendations of the Joint Assessment Group on alternate methods to estimate IUU fishing extractions.

3.8 The EU noted that this work would be very useful in order to obtain estimates of the level of IUU fishing in the Convention Area.

IUU Vessel Lists

3.9 SCIC considered the Provisional NCP-IUU Vessel List and recommended the Iranian-flagged vessel *Koosha 4* for inclusion on the Proposed NCP-IUU Vessel List in 2011 for consideration by the Commission.

3.10 The UK noted that this vessel was a refrigerated cargo vessel which should be of particular concern to the Commission.

3.11 SCIC directed the Secretariat to include the *Insung No. 7* on the Provisional CP-IUU Vessel List, noting this action should have already been taken by the Secretariat.

3.12 Some Members expressed the view that the Secretariat should have consulted with Members on the inclusion of this vessel on the Draft CP-IUU Vessel List and requested this be undertaken in the future.

3.13 Members agreed to include the *Insung No. 7* on the Proposed CP-IUU Vessel List and expressed the importance of this action in demonstrating the Commission's commitment to the objectives of the CAMLR Convention. SCIC recommended that the Proposed CP-IUU Vessel List be adopted by the Commission. Members expressed appreciation to Korea for joining consensus on the listing of the *Insung No. 7*.

3.14 Members reiterated the seriousness of the *Insung No. 7*'s actions and that it had engaged in intentional illegal fishing activity as documented by Korea and that inclusion on the CP-IUU Vessel List was necessary.

3.15 Members noted that this was one of many incidences of non-compliance by the Korean-flagged vessels in addition to the loss of life caused by the sinking of the *Insung No. 1* and suggested Korea consider reviewing its domestic arrangements to provide for the imposition of more appropriate sanctions on those responsible for vessels flying the Korean flag.

3.16 SCIC considered CCAMLR-XXX/23 that outlined China's request to remove the *West Ocean* and *North Ocean* from the CP-IUU Vessel List. China believed that the information in this report satisfied CM 10-06, paragraph 14, that provided for the removal of the vessels from the CP-IUU Vessel List.

3.17 Most Members agreed that China had satisfied CM 10-06, paragraph 14, and supported the proposal that the *West Ocean* and *North Ocean* be removed from the CP-IUU Vessel List.

3.18 The EU requested additional time to consider the information provided by China in relation to the *West Ocean* and *North Ocean* and asked to refer this issue to the Commission.

CATCH DOCUMENTATION SCHEME (CDS)

Implementation and operation of the CDS

4.1 The Secretariat reported on the implementation and operation of the CDS during 2010/11 (CCAMLR-XXX/BG/24 Rev. 3).

4.2 Members noted that Singapore continues to only partially implement the CDS and recalled that SCIC had recommended that the Commission urge Singapore to take immediate action to fully implement the CDS in accordance with CM 10-05 in order to maintain its

status as a non-Contracting Party (NCP) cooperating with CCAMLR by participating in the CDS (CCAMLR-XXIX, Annex 6, paragraph 4.8).

4.3 Members considered correspondence sent to Singapore by the Commission Chair in 2010, and the Secretariat at the behest of Members during the last 10 years, and agreed that Singapore had been non-responsive and had not taken appropriate action to fully implement the CDS. In addition, a few Members noted that they had made direct representations to Singapore over an extended period. SCIC therefore recommended that the Commission revoke Singapore's recognition as an NCP cooperating with CCAMLR by participating in the CDS.

4.4 SCIC also noted that the ports of Singapore and Malaysia had been visited by IUU-listed vessels over the previous year.

4.5 SCIC also considered the list of NCPs not cooperating with CCAMLR's CDS despite numerous communications from the Secretariat. The EU noted that the list of NCPs not cooperating with CCAMLR's CDS should be made public in order to provide additional incentive to provide cooperation.

4.6 It was noted that toothfish imports had been reported to the Hong Kong Special Administrative Region (SAR): 1 355 tonnes for the 2011 calendar year to date. Members requested an update from China regarding the participation of Hong Kong SAR in the CDS.

4.7 China reminded SCIC that the CAMLR Convention does not apply to Hong Kong SAR and therefore there was no legal obligation for the implementation of the CDS. However, China had consulted with Hong Kong SAR on the voluntary implementation of the CDS.

4.8 China reported to SCIC that Hong Kong SAR was reviewing internal policies and procedures in preparation for the possible implementation of the CDS and this would take about two years to complete. Additionally, Hong Kong SAR was considering the application of the CAMLR Convention to the Hong Kong SAR and was currently assessing relevant information to support this.

4.9 SCIC welcomed the information provided by China and encouraged China to facilitate and accelerate the implementation of the CDS in Hong Kong SAR.

Proposals for improving the CDS

4.10 SCIC considered a proposal submitted by the USA (CCAMLR-XXX/27) to improve the CDS by developing a Member query and report facility. The USA noted that these capabilities would improve importing and exporting States' ability to track shipments and verify catch documents.

4.11 Members noted their support for this proposal and the development of Member queries and reports would be very useful. There was also a need for real-time information and verification of CDS information.

4.12 The UK welcomed the US proposal and noted the value in undertaking a wider review of the E-CDS system to allow for the incorporation of additional information, including that which would enhance the ability to distinguish between transits and imports. The UK noted that the Secretariat had provisionally allocated funding for a wider E-CDS review in 2012 which it hopes will capture these issues.

4.13 The USA confirmed that the proposal that sought to develop queries and reports would be limited to information in relation to Members' own imports, exports and re-exports.

4.14 In relation to the CDS, Ukraine made the following statement:

'Ukraine would like to draw attention to the lack of compliance with the provisions of CM 10-05 by the relevant authorities of the Members and pointed out the difficulties with verification of a CDS document that it encountered in September 2011 when the Ukrainian Customs were border-processing a shipment originating from one of the Members. Considering these difficulties, Ukraine believed that there is a need to revise some of the provisions of CM 10-05, and in particular to introduce a system making some actions obligatory rather than desirable. Furthermore, Ukraine called upon the Members in their evaluation of the operation of the CDS system to consider, in the first instance, the Members' compliance with the provisions of the conservation measures and then, based on the degree of compliance achieved at the Members' level, to evaluate the degree of compliance by other States, taking further note of the consequences of such analyses and findings. Proposals relating to the revision of this, and possibly other, conservation measures in order to ensure their uniformity will be prepared by Ukraine for the next meeting of the Commission.'

4.15 SCIC considered a proposal (CCAMLR-XXX/33) submitted by the UK, South Africa, Australia and the Secretariat which outlined a proposal for an African Capacity Building Training Event in 2012.

4.16 SCIC expressed its support for this proposal and recalled the success of the Workshop held in 2010.

4.17 SCIC noted that this proposal was important to build capacity and contribute to the prevention, deterrence and elimination of IUU fishing in the Convention Area.

4.18 The CDS Fund Review Panel consisting of Australia, South Africa, Sweden, UK and the USA, met during SCIC to consider the two proposals to access the CDS Fund and approved both. SCIC agreed to recommend the use of the CDS Fund for the proposed capacity building training event and SCIC also agreed that the US proposal should be funded, but asked SCAF to consider how best to finance this work.

4.19 The Scientific Committee Chair advised SCIC that scientific samples of *Dissostichus* spp., such as otoliths and tissue samples, are currently required to be reported to the CDS and asked SCIC to consider excluding small scientific samples (e.g. up to 10 kg in 'product' weight) from the requirements of the CDS.

4.20 SCIC noted more information from the Scientific Committee was required to consider this proposal and that individual Members may have different domestic arrangements that could be impacted by such changes.

ADVICE FROM THE SCIENTIFIC COMMITTEE

5.1 The Scientific Committee Chair presented the Committee's preliminary advice on topics relevant to the work of SCIC. SCIC expressed its appreciation to Dr Agnew for his very informative and comprehensive report. SCIC considered this report and made a number of observations and comments contained in paragraphs 2.9, 2.28, 2.29, 2.31, 2.32, 2.38, 2.40, 3.6, 3.7, 4.19, 4.20, 6.2 and 6.3.

SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

6.1 SCIC considered summaries of scientific observation programs undertaken in 2010/11 (WG-IMAF-11/5 and 11/6). During 2010/11, 58 observer cruises had been recorded on 26 vessels fishing for finfish and 20 observer cruises had been recorded on 11 vessels fishing for krill. Observers had been deployed on krill vessels flagged to China, Japan, Korea, Norway, Poland and Russia.

6.2 The Scientific Committee Chair advised SCIC that the proposal for the CCAMLR Observer Training Program Accreditation Scheme (COTPAS) had been tabled by the Conveners of the ad hoc Technical Group for At-Sea Operations (TASO) and noted that the procedure outlined in SC-CAMLR-XXX/8 is designed to avoid the requirement for conflict resolution as any disagreements would be of a technical nature and dealt with at the relevant stage of the review process.

6.3 The Scientific Committee Chair advised SCIC that the Scientific Committee will make some recommendations to the Commission for changed definitions in CM 51-06.

PERFORMANCE REVIEW

7.1 The Committee recalled that it had agreed in 2008 that the Performance Review should remain on the agenda of SCIC until such time as SCIC believed that outstanding matters had been fully addressed.

7.2 SCIC considered CCAMLR-XXX/BG/12 and reviewed all recommendations of the Performance Review Panel (PRP) Report relevant to its work. SCIC recorded progress against each one and articulated possible intersessional work that could be undertaken to progress a number of the recommendations.

7.3 SCIC reviewed its list of priority items relating to the PRP Report and reported on the following items:

- (i) 3.1.2.1 – Mechanisms for ensuring compliance by Contracting and non-Contracting Parties and enhanced surveillance and enforcement
- (ii) 4.1 – Flag State duties
- (iii) 4.3 – Monitoring, control and surveillance

(iv) 4.6 – Market-related measures.

7.4 Argentina was of the view that CCAMLR should be cautious when reviewing the approach to inspections adopted in RFMOs. Argentina was also of the view that CCAMLR should not legislate for areas outside the Convention Area.

7.5 In response, many Members disagreed with the view proposed by Argentina in respect of the application of provisions of the Convention beyond the Convention Area.

7.6 SCIC considered the proposal regarding the future structure of Commission meetings (CCAMLR-XXX/32) presented by the EU, France and the UK.

7.7 Members expressed support for improving the efficiency and avoiding the duplication and repetition of issues raised at CCAMLR meetings.

7.8 Most Members expressed general support for this proposal, however, there were some concerns raised over the reduced time for decision-making and the possibility of undermining the work of the Commission. Some Members suggested that more work was needed on the proposed agenda and that a trial of the proposed changes was needed. SCIC agreed to forward this proposal for consideration by the Commission.

OTHER BUSINESS

8.1 The Committee considered CCAMLR-XXX/5 and XXX/8 presented by the Executive Secretary.

8.2 Members noted their strong support for the Secretariat to undertake work for the development of an integrated monitoring, control and surveillance information management system.

8.3 The Committee considered CCAMLR-XXX/41 regarding access to restricted information on the redeveloped CCAMLR website.

8.4 The Secretariat confirmed that top-level access would be retained and that access control would remain the responsibility of designated officials in each CCAMLR Member.

8.5 SCIC considered CCAMLR-XXX/BG/10 outlining the need for a review of CCAMLR's VMS and draft terms of reference for this work.

8.6 Members endorsed this proposal for a review of the VMS and requested that the terms of reference be revised to reflect the perspective of the Commission.

8.7 Korea voluntarily provided a report regarding the sinking of the *Insung No. 1* (CCAMLR-XXX/BG/34) and presented the investigation results in detail that outlined three main contributing factors that led to the incident. Korea also highlighted the recommendations from the Korean Maritime Safety Tribunal in relation to the incident.

8.8 Members expressed their condolences to the families and colleagues of those lost at sea in the incident.

8.9 Members expressed their serious concern about the incident and that it highlighted the need for vessels that operate in the Southern Ocean to be suitably and adequately prepared. In this regard, the UK recalled CCAMLR Resolutions 20/XXII and 23/XXIII.

8.10 SCIC noted that there were serious issues raised about the operator in relation to the sinking of the *Insung No. 1* and asked Korea if any legal action had been taken in respect of the incident. Members enquired about the recommendations made by the Korean Maritime Safety Tribunal and if these were in any way legally binding. Members reminded Korea of the obligations of Flag States enshrined, inter alia, in Article 94 of UNCLOS.

8.11 Korea advised that in respect of any legal action taken in relation to the sinking of the *Insung No. 1* that this was not a matter for the Ministry represented at SCIC and that the investigation did not result in the imposition of sanctions. Korea also advised that the recommendations made by the Korean Maritime Safety Tribunal were required to be implemented in the future and failure by the operator to do so would result in penalties.

ADVICE TO THE COMMISSION

9.1 The SCIC Chair will present the Report of SCIC and provide advice to the Commission. Draft conservation measures forwarded by SCIC to the Commission with a recommendation that they be adopted are contained in CCAMLR-XXX/BG/43. Draft conservation measures forwarded by SCIC for further consideration by the Commission are contained in CCAMLR-XXX/BG/44.

ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

10.1 The Chair thanked all delegates for the progress they had made during the meeting. The Chair also thanked the interpreters for the important role that they play in the work of the Committee. The Chair thanked, in particular, the Secretariat and the Chair of the conservation measures drafting group, Ms G. Slocum (Australia), for her efforts in guiding the development of new and draft measures.

10.2 SCIC extended its sincere appreciation to Ms Dawson-Guynn and Mr Jansen for the guidance and support they had provided during the 2011 meeting of SCIC.

10.3 The report of SCIC was adopted and the 2011 meeting of SCIC was closed.

AGENDA

Standing Committee on Implementation and Compliance (SCIC)
(Hobart, Australia, 24 to 28 October 2011)

1. Opening of the meeting
 - (i) Adoption of the agenda
 - (ii) Organisation of the 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 the Convention Area
 - (i) Current level of IUU fishing
 - (ii) IUU Vessel Lists
4. Catch Documentation Scheme (CDS)
5. Advice from the Scientific Committee
6. Scheme of International Scientific Observation
7. Performance Review
8. Other business
9. Advice to SCAF
10. Advice to the Commission
11. Adoption of the report and close of the meeting.

LIST OF DOCUMENTS

Standing Committee on Implementation and Compliance (SCIC)
(Hobart, Australia, 24 to 28 October 2011)

CCAMLR-XXX/1	Provisional Agenda for the Thirtieth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXX/2	Provisional Annotated Agenda for the Thirtieth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXX/5	Report on the independent review of CCAMLR's data management systems Secretariat
CCAMLR-XXX/8	The CCAMLR Secretariat Strategic Plan and associated Staffing Strategy Executive Secretary
CCAMLR-XXX/9	Proposal to consolidate closely related conservation measures Secretariat
CCAMLR-XXX/10	Summary of notifications for krill fisheries 2011/12 Secretariat
CCAMLR-XXX/11 Rev. 1	Summary of notifications for new and exploratory fisheries 2011/12 Secretariat
CCAMLR-XXX/23	China's request of removal <i>West Ocean</i> and <i>North Ocean</i> from CP-IUU List Delegation of the People's Republic of China
CCAMLR-XXX/24	A proposal to report marine casualties to CCAMLR Delegations of the USA and New Zealand
CCAMLR-XXX/25	Prohibition of shark finning in the CAMLR Convention Area Delegation of the USA
CCAMLR-XXX/26	Proposal to enhance planning for inspection and enforcement missions in the CCAMLR Area Delegation of the USA

CCAMLR-XXX/27	Catch Documentation Scheme (CDS) fund proposal – amending the E-CDS to perform Member queries and reports Delegation of the USA
CCAMLR-XXX/28	Proposal to strengthen CCAMLR’s port inspection scheme to prevent, deter and eliminate illegal, unreported and unregulated fishing Delegations of the USA and the European Union
CCAMLR-XXX/31	Development of a compliance evaluation procedure (DOCEP) Report of 2010/11 intersessional work and proposal for a CCAMLR compliance evaluation procedure Convener, DOCEP
CCAMLR-XXX/32	Future structure of Commission meetings Delegations of France, the United Kingdom and the European Union
CCAMLR-XXX/33	Catch Documentation Scheme (CDS) Fund Proposal: Illegal, unreported and unregulated (IUU) fishing in the Convention Area – African Capacity Building Training Event 2012 Delegations of Australia, South Africa, the United Kingdom and the Secretariat
CCAMLR-XXX/34	Information on illegal fishing in Statistical Area 58 Assessment of illegal fishing in French waters around Kerguelen and Crozet Islands Report of observations and inspections in the CCAMLR Area 2010/11 season (1 July 2010–15 August 2011) Delegation of France
CCAMLR-XXX/36	EU proposal for amendment to the CCAMLR Conservation Measure 10-02 on rendering IMO numbers mandatory Delegation of the European Union
CCAMLR-XXX/37	EU proposal for amendment to the CCAMLR Conservation Measure 10-09 to introduce a notification system for transshipments of krill Delegation of the European Union
CCAMLR-XXX/41	Access to restricted information on the CCAMLR website Secretariat
CCAMLR-XXX/42	Draft of a resolution on the transshipment of persons or crew members involving ships flagged by Member States of CCAMLR Delegation of Chile

CCAMLR-XXX/43 Reports under Articles X, XXI and XXII of the Convention and Conservation Measures 10-06 and 10-07 – IUU fishing and IUU vessel lists 2010/11
Secretariat

CCAMLR-XXX/BG/9 The bilateral cooperation between France and Australia in the Southern Ocean
Delegations of France and Australia

CCAMLR-XXX/BG/10 CCAMLR Vessel Monitoring System
Secretariat

CCAMLR-XXX/BG/12 Summary of progress made in respect of Performance Review recommendations which relate to the work of SCIC
Secretariat

CCAMLR-XXX/BG/17 Implementation of Conservation Measure 10-08 (2006) in Chile
Delegation of Chile
(available in English and Spanish)

CCAMLR-XXX/BG/18 Heard Island and McDonald Islands Exclusive Economic Zone 2010/11 IUU catch estimate for Patagonian toothfish
Delegation of Australia

CCAMLR-XXX/BG/22 CCAMLR's next steps to stop IUU fishing
Submitted by ASOC

CCAMLR-XXX/BG/24 Implementation and operation of the Catch Documentation Scheme in 2010/11
Rev. 3
Secretariat

CCAMLR-XXX/BG/26 Reports submitted under Conservation Measure 31-02 – closure of fisheries
Rev. 1
Secretariat

CCAMLR-XXX/BG/27 Implementation of the System of Inspection and other CCAMLR compliance-related measures in 2010/11
Secretariat

CCAMLR-XXX/BG/34 Follow-up information regarding the capsizal incident of the *Insung No. 1*
Delegation of the Republic of Korea

CCAMLR-XXX/BG/35 Report of actions taken by Spain regarding IUU fishing in the CAMLR Convention Area
Delegation of the European Union

- CCAMLR-XXX/BG/36 Report on transshipment of krill in 2010
Delegation of Japan
- CCAMLR-XXX/BG/37 Summary of progress made in respect of Performance Review
recommendations
Secretariat
- CCAMLR-XXX/BG/38 Korea's report on sanctions imposed on the *Insung No.7*
Delegation of the Republic of Korea
- CCAMLR-XXX/BG/40 Report on VMS data for the *Yangzi Hua 44 (Ex Paloma V,*
Trosky)
Secretariat

- SC-CAMLR-XXX/8 Implementation considerations for the CCAMLR Observer
Training Program Accreditation Scheme (COTPAS)
Chair of the Scientific Committee, Chair of SCIC and former
Co-conveners of ad hoc TASO

Working Group papers considered by SCIC:

- WG-FSA-11/10 IUU fishing activity during the 2010/11 fishing season
Secretariat
- WG-IMAF-11/5 Rev. 2 Summary of scientific observations in the CAMLR Convention
Area for 2010/11
Secretariat
- WG-IMAF-11/6 Summary of scientific observation related to Conservation
Measures 24-02 (2008), 25-02 (2009) and 26-01 (2009)
Secretariat