

**REPORT OF THE STANDING COMMITTEE
ON OBSERVATION AND INSPECTION (SCOI)**

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OPENING OF THE MEETING

1.1 The meeting of the Standing Committee on Observation and Inspection (SCOI) was held from 22 to 26 October 2001 and chaired by Dr H. Nion (Uruguay). All Members of the Commission and observers from the People's Republic of China, Mauritius and Seychelles participated in the meeting.

1.2 The Committee adopted the Agenda as contained in CCAMLR-XX/1 (Appendix I). At the request of one Member, in accordance with Rule 32(b) of the Commission Rules of Procedure, discussions of Agenda Items 2(i), 3(i) and 3(ii) of the Agenda were restricted to Members and State observers. Observers from international organisations took part in discussions of all other items.

1.3 The list of papers considered by the Committee is contained in Appendix II.

ILLEGAL, UNREGULATED AND UNREPORTED FISHING IN THE CONVENTION AREA

Information Provided by Members in Accordance with Articles X and XXII of the Convention and the System of Inspection

2.1 The Committee considered information submitted by Members relating to activities in the Convention Area which affect the implementation of the objectives of the Convention and compliance with conservation measures in force, including reports on illegal, unregulated and unreported (IUU) fishing activities in the Convention Area.

2.2 The Secretariat presented summaries of reports submitted by Members on sightings and apprehensions of IUU vessels during the 2000/01 intersessional period (CCAMLR-XX/BG/24). Five vessels were apprehended and charged with IUU fishing activities by Australia and France in Divisions 58.5.2 and 58.5.1 respectively (CCAMLR-XX/BG/19 and BG/17). South Africa reported radar sightings in Subarea 58.6 of five unidentified vessels.

2.3 France recalled that 20 vessels had been apprehended in the Kerguelen and Crozet EEZs since 1997. The Flag States and names of vessels were Belize (*Belgie 111* and *Arbumasa XXV* in 1997; *Mar Del Sur Dos* and *Suma Tuna* in 1998; *Grand Prince* in 2000), Portugal (*Praia do Restello* in 1998), Argentina (*Kinsho Maru* and *Magallanes* in 1997; *Vierasa Doce* in 1997 and 1998), Panama (*Explorer* in 1998; *Camouco* in 1999), Vanuatu (*Golden Eagle* in 1998), Chile (*Ercilla*, *Antonio Lorenzo* and *Mar del Sur Uno* in 1998), Seychelles (*Monte Confurco* in 2000), Sao Tome and Principe (*Vedra* in 2000) and St Vincent and Grenadines (*Castor* in 2001).

2.4 Two sightings had been reported for 2000/01 for identified vessels *Nao* (Panama) and *Samwoo* (Sao Tome and Principe, now *South Tomi*, flagged to Togo). Also, when the vessel

Amur sank in the Kerguelen EEZ, the vessel *Arvisa Primero* (Uruguay) was in the area at the same time. Finally, one to five unidentified vessels were sighted each month in the Kerguelen EEZ. Australia noted that the *Samwoo* had been renamed as the *South Tomi* and was subsequently apprehended by Australia in April 2001 for fishing illegally in the Australian EEZ around Heard and McDonald Islands (Division 58.5.2).

2.5 France noted that, in that context, it appears that IUU fishing is flourishing and that longliners dispose of their cargoes primarily at Port Louis (Mauritius) and Walvis Bay (Namibia). There is also no doubt that other Asian, African and South American ports are used. These ports are used when the IUU vessels do not tranship on the high seas, which allows them to escape inspection, particularly in regard to the certificates of origin. These IUU vessels fly various flags, but the captains and the crews, of diverse nationalities, do not belong to these countries.

2.6 France pointed out that the present implementation of the Catch Documentation Scheme for *Dissostichus* spp. (CDS) by itself does not resolve the problem of IUU fishing and meets partially the aim of the Convention. One particular concern was the huge increase of declaration of catches in FAO Statistical Area 51 by both Contracting Parties (Russia and Uruguay) and non-Contracting Parties (Seychelles) and exported with a *Dissostichus* Catch Document (DCD) (SCOI-01/23). This indicated the concern that the CDS is used to traffic fish caught illegally in the CCAMLR Convention Area.

2.7 In that context, France asked CCAMLR to take action against the countries identified above, which are undermining the objective of the Convention, and, in particular, the CDS.

2.8 Uruguay also reported on the presence of the *Arvisa Primero* in the area, and also advised that the vessel had informed national authorities before it had entered the Convention Area in response to a distress call of another vessel, as they were obliged by national and international law (Law of the Sea, Article 98) to provide assistance in that situation. In accordance with Resolution 13/XIX, Uruguay had requested from the CCAMLR Secretariat the previous history of compliance of the *Arvisa Primero* with CCAMLR conservation measures, prior to reflagging the vessel to Uruguay.

2.9 France again noted that when the vessel *Amur* sank in the Kerguelen EEZ, the vessel *Arvisa Primero* (Uruguay) ex *Camouco* (Panama) which was apprehended in the Crozet EEZ in 1999, was in the area at the same time.

2.10 France recalled paragraph 5.5 of CCAMLR-XIX where it is stated that: ‘...The Commission also noted that SCOI had considered the sinking, with many casualties, of the IUU vessel *Amur* in the EEZ of the Kerguelen Island. The vessel was involved in IUU fishing. Two other vessels in close proximity, and suspected of IUU activities, refused to cooperate with the French rescue effort.’

2.11 France also recalled Resolution 13/XIX, which ‘urges all Contracting Parties, consistent with their domestic legislation, to avoid flagging a non-Contracting Party vessel or licensing such a vessel to fish in waters under their fisheries jurisdiction, if that particular vessel has a history of engagement in IUU fishing in the Convention Area.’

2.12 Additionally, the Secretariat paper summarised factual data reported by CCAMLR international observers deployed on vessels in the Convention Area on sightings of vessels

(CCAMLR-XX/BG/24). Out of all the vessels sighted, most were fishing vessels licensed by CCAMLR Members. The remaining list contains the vessel *Mila* (UK) which was subsequently prosecuted by its Flag State for illegal fishing in Division 58.5.2 (SCOI-01/12). It also contains three other fishing vessels and two unidentified vessels. Other vessels in the list are research, passenger, resupply and cargo vessels.

2.13 In accordance with established practice, the Secretariat will continue to correspond with Flag States whose vessels are sighted in order to clarify details of the vessels and of their activities in the Convention Area.

2.14 Uruguay presented SCOI-01/25 which provided comprehensive details of all its fishing vessels licensed to fish or carry out research on *Dissostichus* spp. and have provided more information than is normally required for the notification of licences. This has been done in order to avoid possible identification mistakes with Uruguayan-flagged vessels as has happened in the past.

2.15 Australia presented CCAMLR-XX/BG/19 which gave details of the apprehension of the *South Tomi*, flagged to Togo, in April 2001 for fishing illegally in the Australian EEZ in Division 58.5.2. Australia thanked South Africa for its assistance in facilitating the boarding of the *South Tomi* by Australian Defence Force personnel and thanked France and Spain for their cooperation in other aspects. Australia noted that the crew of the *South Tomi* included a Spanish master and nationals from other Contracting and non-Contracting Parties.

2.16 Australia further noted that the owner of the vessel had not been confirmed, but appeared to be a Korean national based in Spain. Later information provided by the Republic of Korea, through Spain, suggested the person concerned may now be a Togo national.

2.17 Guided by the will to fulfil Spain's policy of full cooperation, the Secretary General for Fisheries (the highest Fisheries Authority officer in Spain) received in Madrid an Australian delegation in order to respond to their requests.

2.18 With respect to the identification of the company owning the vessel:

- Spain verified that the vessel does not appear in the Lloyd's Register, and therefore this search did not help to identify the company;
- port authorities in the Canary Islands advised that no records existed which indicate that the vessel had landed or even visited any port in the Canary Islands; and
- finally, through the Korean Consulate in the Canary Islands, a list of all Korean companies in these islands was obtained, and this list was remitted to Australia in order to assist with the investigations.

2.19 With respect to the captain of the vessel, Spain has written to the authorities in Togo asking them to initiate actions pertaining to the responsibilities of a Flag State, and offering Spain's cooperation. No answer has been received.

2.20 The Spanish Fisheries Act, which became effective in March 2001, imposes sanctions on infringements committed by either Spanish companies or by nationals operating on board vessels navigating under flags of convenience. The law qualifies these infringements as 'serious' and 'very serious'.

2.21 In relation to the vessel *South Tomi*, Spain was unable to initiate proceedings against the captain, because a list of countries acting as Flags of Convenience within the Convention Area does not exist. Therefore, in order to facilitate action by its Members, the Commission should consider establishing a list of countries who act as Flags of Convenience.

2.22 The Republic of Korea advised the Committee that they have investigated the nationality of the owner of the vessel and that at this stage there is an unconfirmed report that the owner now holds a passport of Togo.

2.23 Chile suggested that all reports concerning vessels presumed to have engaged in IUU fishing should include, to the extent possible, information about the nationality of captains, masters and owners of these vessels, as well as their flag and call sign.

2.24 South Africa also informed the Committee that it had undertaken a port inspection in 2001 of the Namibian-flagged vessel *Mare*. The outcome of this inspection has been communicated to the Government of Namibia.

2.25 Since the start of its operation in May 2000 the CDS has identified three fraudulent DCDs. Additionally, one DCD was found fraudulently used in relation to export transactions (see CCAMLR-XX/BG/22 Rev. 2).

Cooperation with Non-Contracting Parties and Contracting Parties not Members of the Commission

2.26 In September 2001 Mauritius provided the Secretariat with a list of vessels which had unloaded toothfish in Port Louis since July 2000 (SCOI-01/19 Rev. 1).

2.27 The Secretariat cross-checked details of all landings reported by Mauritius with CDS data and identified vessels for which DCDs had not been submitted. The landings without DCDs took place before Mauritius began to implement elements of the CDS. The Flag States of the vessels involved were: Belize, Panama, Sao Tome and Principe, St Vincent and the Grenadines and Togo.

2.28 The Secretariat wrote to Mauritius with a request for additional information on landings by vessels without DCDs. Where possible, it also contacted the Flag States of the vessels concerned and asked for clarification on the activities of their fishing vessels. A detailed response has already been received from Belize (SCOI-01/19 Rev. 1).

2.29 The Committee thanked Mauritius for the information provided as it assists CCAMLR in the identification of IUU fishing vessels. However, the Committee expressed disappointment that this information contained many of the deficiencies identified in the information provided by Mauritius in 2000, including the form of fish product landed, the statistical area where the catch was harvested and how the catch origins were identified, and that no replies had been received to correspondence from the Commission to Mauritius. SCOI recommended to the Commission that it again write to Mauritius seeking full implementation of the CDS and the provision of the additional details noted above, and inviting it to become a Party to the Convention.

2.30 SCOI noted information presented by the Secretariat which is given in the paragraphs below.

2.31 Following a decision taken at CCAMLR-XVIII (paragraph 5.30) and the adoption of the Policy to Enhance Cooperation between CCAMLR and non-Contracting Parties, the Chair of the Commission wrote a letter in December 1999 to a number of non-Contracting Parties and invited them to cooperate with CCAMLR in the implementation of the CDS. All documentation relating to the implementation of the CDS was appended to the letter. The letter was sent to the following non-Contracting Parties: Belize, People's Republic of China, Denmark (in respect of the Faroe Islands), Guinea Bissau, Guyana, Indonesia, Malaysia, Maldives, Mauritania, Mauritius, Namibia, Panama, Portugal, Seychelles, Singapore, Taiwan, Thailand and Vanuatu.

2.32 A second letter advising non-Contracting Parties that the CDS conservation measure became effective under the Convention on 7 May 2000 and reminding them of the invitation to cooperate with CCAMLR in the implementation of the CDS was dispatched on 1 June 2000. By October 2000, replies had been received from the following: People's Republic of China, Denmark (in respect of Faroe Islands), Guyana, Indonesia, Namibia, Mauritius, Seychelles and Taiwan.

2.33 Of these replies, Mauritius and Seychelles expressed an interest in participating in the CDS.

2.34 Separate correspondence containing information on the CDS was also sent to Singapore in response to information suggesting that it was involved in the trade of toothfish.

2.35 Following CCAMLR-XIX and in accordance with Resolution 14/XIX, the Secretariat wrote letters to non-Contracting Parties who had expressed an interest in participating in the CDS. The letter informed them of amendments to Conservation Measure 170/XIX and the resolutions adopted at CCAMLR-XIX, and again urged them to implement the CDS.

2.36 Seychelles and Singapore joined CCAMLR in the implementation of the CDS in 2000. Mauritius introduced some elements of the CDS on 1 January 2001 by requiring a valid DCD to be presented before a vessel is granted landing permission in Mauritian ports.

2.37 Namibia, which acceded to the Convention in late 1999 and became a Member in February 2001, has introduced the CDS.

2.38 The People's Republic of China advised of its implementation of the CDS in June 2001.

2.39 During 2001, Belize, Indonesia, Panama and St Vincent and the Grenadines were identified as having an interest in the harvesting, landing or importing of *Dissostichus* spp. They were sent all relevant information about the CDS and invited to participate.

2.40 Indonesia was subsequently advised that its ports were being reported as places of landing under the CDS, with landing certificates authorised by Indonesian port authorities.

2.41 The Secretariat has continued to correspond with Mauritius during 2001, requesting the contact details of national authorities responsible for the implementation of the CDS.

2.42 The European Community noted that Portugal (listed in paragraph 2.31) is a Member of the European Community, and as such has implemented CCAMLR conservation measures, including those associated with the CDS.

2.43 Canada was first advised of, and invited to participate in, the CDS in December 1999 and again in March 2000. In December 2000 Canada was informed of amendments to Conservation Measure 170/XIX and the resolutions adopted at CCAMLR-XIX and was again invited to participate in the CDS. In March 2001, a letter was received by the USA from the Director of Oceans, Economic and Environmental Law Division of the Canadian Government. This letter stated 'the Canadian Government is currently reviewing the feasibility of implementing the Catch Documentation Scheme'. The Secretariat was also advised by TRAFFIC, North America, of a similar response received from Canada in March 2001.

2.44 Additionally, Canada, as an Acceding Observer State, continues to receive from the Secretariat copies of Commission circulars relating to the CDS.

2.45 Further, the Committee noted the following information provided by the Secretariat with respect to correspondence with non-Contracting Parties in relation to IUU fishing.

2.46 On receipt of any IUU information, it is the general practice of the Secretariat to contact the Flag State of the vessel(s) concerned.

2.47 In the past, the Secretariat has received substantial information from Belize and Panama and based on information from CCAMLR, Belize has deregistered several vessels for IUU activities. The Secretariat has also obtained the contact details for St Vincent and the Grenadines and Vanuatu. Vanuatu has now become a CCAMLR Contracting Party and, prior to doing so, had given an undertaking that it would take action against any vessels reported to have engaged in IUU activities.

2.48 The Secretariat continues to seek contact details for registries in Sao Tome and Principe and Togo.

2.49 The Committee noted the adoption in March 2001 of the FAO International Plan of Action on Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and its relevance to addressing the issue of IUU fishing, particularly paragraphs 18 and 19 which state respectively:

'In the light of relevant provisions of the 1982 UN Convention, and without prejudice to the primary responsibility of the Flag State on the high seas, each State should, to the greatest extent possible, take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing. All States should cooperate to identify those nationals who are the operators or beneficial owners of vessels involved in IUU fishing.'

and that

'States should discourage their nationals from flagging vessels under the jurisdiction of a State that does not meet its Flag State responsibilities.'

2.50 Paragraph 68 of the IPOA–IUU asserts that:

‘... multilateral trade-related measures envisaged in regional fisheries management organizations may be used to support cooperative efforts to ensure that trade in specific fish and fish products does not in any way encourage IUU fishing or otherwise undermine the effectiveness of conservation and management measures which are consistent with the 1982 UN Convention.’

2.51 Paragraphs 73 and 74 of the IPOA–IUU were also noted:

‘States should take measures to ensure that their importers, transhippers, buyers, consumers, equipment suppliers, bankers, insurers, other services suppliers and the public are aware of the detrimental effects of doing business with vessels identified as engaged in IUU fishing, whether by the State under whose jurisdiction the vessel is operating or by the relevant regional fisheries management organizations in accordance with its agreed procedures, and should consider measures to deter such business. Such measures could include, to the extent possible under national law, legislation that makes it a violation to conduct such business or to trade in fish or fish products derived from IUU fishing. All identifications of vessels engaged in IUU fishing should be made in a fair, transparent, and non-discriminatory manner.’

‘States should take measures to ensure that their fishers are aware of the detrimental effects of doing business with importers, transhippers, buyers, consumers, equipment suppliers, bankers, insurers and other services suppliers identified as doing business with vessels identified as engaged in IUU fishing, whether by the State under whose jurisdiction the vessels is operating or by the relevant regional fisheries management organization in accordance with its agreed procedures, and should consider measures to deter such business. Such measures could include, to the extent possible under national law, legislation that makes it a violation to conduct such business or to trade in fish or fish products derived from IUU fishing. All identifications of vessels engaged in IUU fishing should be made in a fair, transparent, and non-discriminatory manner.’

2.52 Paragraph 84 of the IPOA–IUU reads:

‘When a State fails to ensure that fishing vessels entitled to fly its flag, or, to the greatest extent possible, its nationals, do not engage in IUU fishing activities that affect the fish stocks covered by a relevant regional fisheries management organization, the member States, acting through the organization, should draw the problem to the attention of that State. If the problem is not rectified, members of the organization may agree to adopt appropriate measures, through agreed procedures, in accordance with international law.’

2.53 Viewing this in the light of CCAMLR Resolution 14/XIX on the implementation of the CDS by Acceding States and non-Contracting Parties and its paragraph 4 which:

‘reminds Members of the Commission of their obligation under the Catch Documentation Scheme to prevent trade in *Dissostichus* spp. in their territory, or by their flag vessels, with Acceding States or non-Contracting Parties when it is not carried out in compliance with the Scheme.’

2.54 Noting the large number of non-replies to the correspondence from the Secretariat, and in light of paragraphs 18, 19, 63 and 74 of the IPOA-IUU and Resolution 14/XIX of CCAMLR, the Committee recommended that the Commission adopt appropriate measures, through consistent procedures, and in accordance with international law, to deal with non-Party State responsibilities and national control of vessels flying their flags and to deal with States which provide ports of convenience and markets for IUU fish.

2.55 The Committee tasked the Secretariat with ensuring that the Commission had before it all the information required under Conservation Measure 118/XVII to identify those non-Contracting Parties that at this time are engaging in IUU fishing practices. On this basis the Committee recommended that the Commission strengthen Conservation Measure 118/XVII and develop a resolution on Flag State responsibilities of non-Contracting Parties in the Convention Area.

Toothfish Catches from Area 51

2.56 The Committee also noted with concern the high levels of catches being reported harvested from FAO Area 51 under the CDS and the possibility that misreporting of areas fished may be occurring.

2.57 The Chair of the Scientific Committee (Dr R. Holt) presented information to the Committee based on the work of the Working Group on Fish Stock Assessment (WG-FSA) (SCOI-01/20). The estimated total catch within the Convention Area for 2000/01 was 20 870 tonnes, including an estimated IUU catch of 7 599 tonnes, some 39% of the total catch in 2000/01 compared with 32% in 1999/2000.

2.58 The Scientific Committee reported that the estimated total catch in the Convention Area from the Indian Ocean during 2000/01 was 14 947 tonnes compared with 3859 tonnes at South Georgia. The proportion of unreported catches in the two areas is 62.6% and 8.5% of the reported catches respectively.

2.59 The Committee also considered advice based on the work of WG-FSA which reported that the mean CPUE for Patagonian toothfish (*Dissostichus eleginoides*) implied by CDS data for Area 51 was some 23% higher than that in Subarea 48.3, and 44% higher than Subarea 58.6 (a CCAMLR subarea adjacent to Area 51) during both 2000 and 2001. This suggests that Area 51 may be more productive than other areas. However, compared with other potential toothfish fishing grounds within the Convention Area, areas of likely toothfish productivity in Area 51 are relatively small. An alternative was that the catch location listed in the CDS-reported *Dissostichus* spp. catches from Area 51 are being misreported. Furthermore, catches transhipped at sea in Area 51 might be attributed to that area rather than their areas or origin.

2.60 The Chair of the Scientific Committee reported that some members of the Scientific Committee felt the likelihood of catches of this magnitude coming from Area 51 was unlikely.

2.61 The Committee also noted information from the Scientific Committee that the estimated mortality of seabirds in the Convention Area from IUU activity during the 2000/01 split-year was between a lower range of 36 000 to 69 000 and an upper range of 48 000 to 90 000.

2.62 The Committee also noted the Scientific Committee's advice that additional data under the CDS had confirmed the high levels of uncertainty about the status of some *Dissostichus* spp. stocks. More information should be available when CDS data for another year had been collected.

2.63 Therefore, the Committee reiterated its advice from last year that given the information presented to the Committee from a range of sources, it was clear that more effort was required to eliminate IUU activity and recommended to the Commission that Members take further steps to ensure conservation measures were not undermined. Given the obligations in Articles X, XXI, XXII and XXIV of the Convention, the Committee expressed its concern about information reported to SCOI which related to activities clearly affecting the implementation of the objectives of the Convention. The Committee recommended to the Commission that it continue to reinforce its efforts to eliminate IUU fishing in the Convention Area.

2.64 The Committee noted that scientific information from Area 51 is not sufficient to evaluate stocks of *Dissostichus* spp. and their distribution. Views were expressed that there is a need to make more intensive use of the CCAMLR System of Inspection in the Convention Area adjacent to Area 51.

2.65 Chile suggested validation of all *Dissostichus* spp. catches attributed to Area 51 through the use of VMS and the possibility of participants in that fishery voluntarily contributing data to assessments by WG-FSA and the Scientific Committee.

2.66 After consideration of all available information the Committee agreed that the following be brought to the attention of the Commission:

- There are concerns about the veracity of CDS landing data in relation to Area 51.
- More data and improved verification procedures are needed to be able to confirm the origin of catches attributed to Area 51.
- The Committee is concerned with the possibility that the CDS is being used to legitimise fish caught within the Convention Area, but reported to be caught in Area 51, and therefore gain access to Members' markets.
- The Committee believes that the level of misreporting attributed to Area 51 could be very serious and undermines the objectives of the Convention.
- Many members of the Committee agreed to the need for a resolution on the matters listed above (Appendix III). Other members were of a different view.

Operation of the CDS

2.67 The Secretariat presented a paper which described actions taken by all Parties to the Scheme (CCAMLR Contracting Parties, non-Contracting Parties and the Secretariat) on the implementation and operation of the CDS (CCAMLR-XX/BG/22).

2.68 The Committee noted that Russia and the European Community had fully implemented the CDS in May and June 2001 respectively. Namibia became a Member of the Commission and advised of its implementation of the CDS in February 2001. No details of national administrations responsible for the implementation of the CDS have yet been received from India and Poland.

2.69 In addition to Seychelles and Singapore, who joined CCAMLR in the implementation of the CDS in 2000, Mauritius and the People's Republic of China also joined CCAMLR in the implementation of the CDS in December 2000 and June 2001 respectively.

2.70 The Committee noted that the absence of adequate procedures by some non-Contracting Parties, such as Singapore and Hong Kong, has caused difficulties in implementing the CDS and recommended that the Commission communicate further with non-Contracting Parties to seek cooperation, which is indispensable for effective implementation of the CDS, including the issue of re-export documents.

2.71 As of October 2001, the total number of catch, export and re-export documents received by the Secretariat was 8 213 (3 062 documents in respect of each landing/transshipment; 4 884 documents reporting individual exports and 267 re-export documents). During the operation of the CDS, DCDs have been issued to a total of 433 vessels, excluding the Chilean artisanal fleet.

2.72 The Secretariat also reported to the Committee that all Parties to CDS now have access to CDS information via password-protected pages of the CCAMLR website (CCAMLR-XX/BG/22). Access to CDS data is in full accordance with 'Rules for Access to CDS Data' adopted by the Commission at CCAMLR-XIX.

2.73 The Committee noted that the CDS database, which has been developed and maintained by the Secretariat, together with the provision for access to CDS data via the CCAMLR website, have become a valuable and indispensable tool for all Parties to CDS in their every-day CDS operations.

2.74 The Committee noted the CDS data analyses prepared by the Secretariat (SCOI-01/23 and 01/24) and agreed that the matter of analysis should be considered further intersessionally. In particular, the Committee believed that a decision on the types of analyses required should take into account objectives of their use from perspectives of Flag and Port States as well as exporting and importing States.

2.75 The following topics were identified for consideration intersessionally:

- collection of national trade statistics and their reconciliation with CDS and other toothfish-related data;
- consideration of possible additional analyses; and

- provision of summaries of CDS data available to the public taking into account confidentiality aspects of CDS information.

2.76 ASOC presented a paper with its evaluation of CDS (CCAMLR-XX/BG/20). In particular, ASOC summarised its concerns with the operation of the CDS and made several recommendations to strengthen the scheme. These included:

- the use of VMS and independent scientific observers on all vessels catching toothfish inside and outside the Convention Area in order to verify data recorded on DCDs;
- adoption of specific regulations with respect to fish confiscated as the result of actions against IUU fishing in order to prevent the entry of IUU fish to the market;
- a clear, mandatory procedure must be established for transfer of information between all Parties of the CDS and the Secretariat;
- CCAMLR must adopt an enforcement protocol that includes imposing sanctions and increased surveillance of the Convention Area; and
- CCAMLR Members should nominate and support the nomination of *Dissostichus* spp. for an Appendix II listing by CITES to expand the scope of the CDS.

2.77 Chile expressed appreciation for ASOC's proposal for improvements to the CDS, and for its review of the scheme. Support for the CDS required, in Chile's view, not to engage in actions totally inconsistent with its aims, such as the unfair and unjustified boycott in the US market of Chilean sea-bass, without discriminating its origin and therefore seriously damaging a coastal artisanal fishery which voluntarily operates under the CDS but lies outside the Convention Area, and exports fresh fish not associated in any way to IUU fishing.

2.78 The IUCN Observer provided a report to the meeting, drawing the Committee's attention to the two papers it had submitted, CCAMLR-XX/BG/28 and BG/29, which contained reports by the TRAFFIC Network on the results of its trade analyses of both Patagonian toothfish and Antarctic toothfish.

2.79 In presenting the reports, the IUCN Observer acknowledged the difficulties in undertaking trade analyses due to the lack of species-specific codes and publicly available information, particularly CDS information. The IUCN Observer strongly recommended that the Commission reinforce its earlier recommendation that Members introduce trade codes specific to Patagonian toothfish and Antarctic toothfish, and ensure that product type can be accurately identified throughout trade. The IUCN Observer also requested that CDS information be made publicly available, accepting that this would need to be done in a manner than addressed confidentiality issues.

2.80 The IUCN Observer advised the Committee that the trade analyses undertaken by TRAFFIC concluded that the levels of Patagonian toothfish and Antarctic toothfish catches were far in excess of the reported catch and CCAMLR's estimates of IUU catch. In relation to Patagonian toothfish, the analysis indicated that the global level of IUU catch in 2000 was up to four times that estimated by CCAMLR. The trade analysis of Antarctic toothfish showed that the level of removals may be 70% higher than the level of catch reported to the Commission and could be as much as 147% higher.

2.81 The IUCN Observer provided a number of recommendations to the Committee, including the need to further strengthen the CDS through verification processes, wider application of VMS and investigation of the potentially complementary role of other conventions and agreements, such as the recently adopted IPOA-IUU.

2.82 Chile thanked the IUCN for a very interesting document which requires further examination. The statement in paragraph 9 of the Executive Summary which mentions that only New Zealand reported catch of Antarctic toothfish was worth exploring since all catch in the Convention Area, including by-catch, had to be reported, and in the case of Chile, its vessels had complied with their obligations. Nevertheless, exchange of information on this matter remains useful.

2.83 Australia also welcomed the TRAFFIC reports and supported the proposal that, to the extent that it is compatible with the rules regarding confidentiality of CDS data, CDS data and reports should be made publicly available in order to promote transparency.

2.84 Argentina noted that both IUCN papers contained unacceptable legal errors regarding disputed sub-Antarctic islands in the Convention Area. It welcomed the information that Addenda to be issued to the two documents would address those concerns.

2.85 The Committee thanked ASOC and IUCN for the material submitted. It also noted that Members could take concerns raised in the reports of non-governmental organisations into account during intersessional CDS work. In particular, the Committee noted that a number of concerns raised have already been successfully dealt with by CCAMLR.

Report of the Informal CDS Group

2.86 Mr E. Spencer Garrett (USA), Chair of the informal CDS group (hereinafter referred to as the CDS group), presented to the Committee the results of the CDS group meeting which took place on 18 and 19 October 2001 (SCOF-01/28). Participating Parties comprised Australia, Brazil, Chile, European Community, Japan, New Zealand, South Africa, UK and the USA.

2.87 The group's discussions were based on the deliberations and suggestions developed by the electronic intersessional open-ended CDS group established by the Commission (CCAMLR-XIX, Annex 5, paragraph 2.34). The intersessional group, which was chaired by Ms K. Dawson (USA), developed an agenda that included all tasks identified at CCAMLR-XIX and also by the Secretariat, and discussed over 30 issues that could be improved in the CDS.

2.88 The Committee took into account a proposal made by the CDS group that paragraphs 8 and 10 of Conservation Measure 170/XIX need to be changed. Changes are required because the current wording of paragraphs 8 and 10 strictly speaking, preclude customs and other officials from demanding to see CDS documentation for exports. The Committee recommended that the Commission adopt the revised paragraphs 8 and 10 of Conservation Measure 170/XIX (Appendix IV).

2.89 The group considered a number of papers submitted to the Committee by Members and the Secretariat. In particular, presentations were made at the group meeting on the

US Patagonian Toothfish Import Control Program (SCOI-01/22) and by Japan on trading data and the implementation of the CDS (SCOI-01/16). The USA also submitted a proposal to develop and establish an electronic paperless web-based system to implement and track the CDS (SCOI-01/21).

2.90 The representative of the European Community informed the group on the implementation of the CDS within the Community. It was noted that the scheme has been implemented in all European Community Member States (and not just European Community Member States that are also Members of CCAMLR) by way of a Community Regulation that entered into force in June 2001. Due to the fact that the European Community is an internal market, transfers between European Community Member States are not regarded as exports and imports under this regulation. Spain had previously applied the system on a provisional basis. The UK and France had introduced separate legislations in respect of their overseas territories, as those territories do not form part of the European Community.

Improvements to the CDS

2.91 The Committee considered the report of the CDS group and agreed to bring a number of its recommendations to the attention of the Commission. In particular, the Committee agreed that there was an immediate need to clarify and strengthen the verification procedures of the CDS, including making greater use of VMS to verify the location of catches. The Committee considered that, in view of the potential for misreported catches to undermine the objectives of the Convention, it was necessary that such verification procedures should apply to catches taken inside the Convention Area and on the high seas outside the Convention Area. While sharing these concerns, the view was expressed that this should not be regarded as constituting a precedent for CCAMLR regulating beyond the Convention Area.

2.92 Accordingly, the Committee revised paragraph 14 of Conservation Measure 170/XIX (Appendix IV). The revision contains exclusion for by-catches of *Dissostichus* spp., taken by trawlers on the high seas outside the Convention Area. The Committee recommended to the Commission that the revised paragraph be adopted.

Guide for the Completion of Catch Documents

2.93 A draft Guide for the Completion of Catch Documents as prepared by the Secretariat was submitted to the CDS group and the Committee (SCOI-01/26) but the Committee did not discuss it in substance. The group suggested that a number of changes to the draft would be needed mainly in light of proposed revisions to Conservation Measure 170/XIX. During the work of the Committee it became apparent that the draft would require further modifications in order to take account of all recommendations agreed by the Committee on the improvement of the CDS.

2.94 The Committee recommended that the revised draft Guide for the Completion of Catch Documents be forwarded to the Commission for further consideration (CCAMLR-XX/BG/35).

Development of Electronic Paperless Web-based Catch Documents

2.95 The CDS group noted that the current system of issuing and copying catch documents for transmission between Parties to CDS allows the opportunity for fraudulent practices. Nevertheless, it was understood that the current system has had a positive impact on addressing IUU fishing activities, in that it is providing new and valuable data and information to CCAMLR, fraudulent catch documents are being identified and acted on, and seizures and confiscations of possible IUU products are occurring. It was recommended that further improvements could be made, such as CCAMLR establishing a paperless electronic web-based catch document issuing system with an associated database to be accessed by all Parties to the CDS. It was also recommended that the current system be improved to the extent possible while an electronic paperless web-based system was being considered.

2.96 The Committee approved these recommendations and agreed that the issue be considered further intersessionally. The Committee also noted with gratitude that the USA has made a one-time voluntary contribution of US\$50 000 to CCAMLR. This contribution is intended to be used to improve effective monitoring of fishing activities in the Southern Ocean, including the funding of additional observers and inspectors in the area.

2.97 The USA advised the Committee that it plans to conduct in the near future a workshop on the development and use of an electronic paperless web-based system for the CDS.

Procedure for Dealing with CDS Confiscated or Seized Catches

2.98 At CCAMLR-XIX the Commission agreed a procedure that if a State participating in the CDS had cause to sell or dispose of a catch or shipment, it may issue a valid DCD with an accompanying explanation of the reasons for its issue.

2.99 The Committee considered the procedure and recommended to the Commission that the procedure be adopted as paragraphs 15 and 16 of the revised Conservation Measure 170/XIX (Appendix IV).

CDS Fund

2.100 At its Nineteenth Meeting the Commission considered a proposal that Parties may deduct a reasonable amount from the proceeds of sales of seized and confiscated catches to compensate for sale costs, legal expenses and unpaid fines, and transfer the remainder into a national fund whose purposes were consistent with the objectives of the Commission or to a special fund established by the Secretariat.

2.101 In April 2001 the UK transferred A\$284 798.78 into a special fund established by the Secretariat as proceeds from the sale of catch seized from the vessel *Mila* which was prosecuted for illegal fishing in the Australian EEZ in November 2000.

2.102 Members were requested to consider intersessionally provisions for the operation of the CDS Fund and purposes for its use. Proposals were received at the meeting from the USA and the European Community. The process agreed for the use of the fund was drafted as an annex to the amended Conservation Measure 170/XIX (Appendix IV).

2.103 The Committee recommended to the Commission that the procedure for the operation of the CDS Fund be adopted.

2.104 The Committee noted projects identified by the CDS group that might be eligible for funding or part-funding from the CDS Fund (in no particular order):

- training Secretariat staff in understanding fish trade practices and procedures, including processing of trade-related statistics;
- participation in CDS and fish trade-related meetings of international organisations, e.g. FAO, WTO/CTE, WCO, ICCAT and IATTC, including contributions that may be made by CCAMLR to the development of international initiatives within the FAO IPOA-IUU;
- conducting training workshops and CDS-related consultation with CDS authorities of Contracting and non-Contracting Parties to provide guidance on aspects of implementation of the CDS, including implementation of VMS;
- development of an electronic paperless web-based system for the CDS; and
- assistance in the development of the Monitoring, Control and Surveillance (MCS) Network.

Participation in the CDS by Canada as a Contracting Party to CCAMLR

2.105 Discussion took place on how best to persuade Canada to implement the CDS as soon as possible. Several delegations noted their diplomatic efforts in this regard, but it is recommended that stronger measures need to be taken, including the possible use of trade-related measures. The Committee recommended that the Commission should attempt to persuade Canada to become a Member of the Commission and therefore participate in the CDS by raising the points described in Attachment 3 of the CDS group report (SCOI-01/28), but not to consider the use of trade-related measures until all other attempts of persuasion had proved unsuccessful.

2.106 Japan, sharing these concerns and admitting the need to take collaborative action in this respect, expressed its strong concern about trade-related measures. However, understanding that mentioning the exploration of the possibility of such measures by Members would lead to full participation of Canada in the CDS system, it did not oppose this arrangement.

Participation in the CDS by Mauritius

2.107 Considerable discussion took place at the meeting of the CDS group concerning a letter sent by Mauritius to CCAMLR describing its reluctance as a Port State to validate landing information on DCDs regarding the origin of toothfish landed in Mauritius. The CDS group recommended that the Commission reply to Mauritius welcoming its participation in the CDS and seeking further clarification of the concerns of Mauritius. The reply should address Mauritian concerns about the duties of Flag States and Port States in determining whether a catch was harvested in full compliance with CCAMLR conservation measures prior to the issue of a validated DCD. This reply should again request that Mauritius provide CDS officer contacts.

2.108 This was agreed by the Committee.

Access to National CCAMLR Legislation and Regulations

2.109 The CDS group recommended that each Contracting Party should nominate a contact person familiar with Contracting Party domestic CCAMLR legislation. It also recommended that links to websites which provide details of domestic legislation be posted on the CCAMLR website.

2.110 The Committee recommended that the Commission urge Members to submit the information required to the Secretariat.

Details of Vessels Licensed to Fish in Areas Adjacent to the Convention Area

2.111 The CDS group recommended that it would be beneficial to the CDS if all CDS participating Parties provided the Secretariat with details of their flag vessels licensed to fish for *Dissostichus* spp. in areas outside the Convention Area.

2.112 The Committee recommended that the Commission urge Members to submit the information required on a voluntary basis.

Artisanal Fishery and the CDS

2.113 The CDS group considered the progress of negotiations between Chile and the USA on the establishment of a procedure for dealing with artisanal toothfish fisheries in Chile. A large number of small vessels may be engaged in domestic artisanal fisheries, each landing daily a very small amount of toothfish, making it impractical to issue DCDs to each vessel (SCOI-01/6).

2.114 The Committee noted that agreement on the import of toothfish from coastal artisanal fisheries in Chile to the USA had been reached and included email notification when a specific shipment of toothfish bound for the USA is leaving Chile.

Cooperation with International Organisations

2.115 The CDS group considered a proposal made by the Secretariat on the development of cooperation with the WTO Committee on Trade and Environment (CTE) as described in CCAMLR-XX/BG/21. The group generally favoured development of a stronger relationship with CTE and agreed to consider specific ways to further this relationship intersessionally. It was noted that a FAO-sponsored Consultation on the Development of Model Uniform Catch Documentation and Reporting Measures will be held in January 2002. The group recommended that the consultation should include participation of the CCAMLR Secretariat.

2.116 The Committee noted this recommendation and forwarded it to the Commission for consideration. It also noted the necessity of developing cooperation with other trade-related international organisations such as the World Customs Organisation (WCO).

Future Work on the CDS

2.117 Various views were expressed with regard to a recommendation by the CDS group to form a permanent CDS Standing Subcommittee. The Committee recognised the need to continue examining ways to enhance the effectiveness of the CDS but that this should be in a manner that would have minimal budgetary implications. It was therefore recommended that the CDS group continue to meet for the next two to three years, after which time the need for such a group would be re-evaluated.

2.118 The Committee identified a number of issues which should be discussed intersessionally by the group (Appendix V). The USA offered to again chair the intersessional work and the Committee agreed. Further, the Committee recommended that a chat room or bulletin board be set up on the CCAMLR website to reduce the amount of email.

Implementation of Other Measures aimed at the Elimination of IUU Fishing

CCAMLR Vessel Database

2.119 The Secretariat has redesigned its vessel database in order to accommodate the maintenance of IUU fishing information and to integrate it with other compliance and fisheries-related information. The new database is designed to display vessel history relating to changes in name, flag status, history of IUU activity and the sources of these reports (CCAMLR-XX/BG/24).

2.120 Currently, the vessel database contains 302 records in respect of licences issued to vessels since 1998 and 128 records in respect of illegal fishing activity since the beginning of 1998, naming 21 vessels.

2.121 Online access for Members to the vessel database via the CCAMLR website is being developed.

2.122 The Secretariat was also asked to continue collection of all available information, including from the Lloyd's Register, concerning vessels which were reported to be active in the Convention Area.

2.123 In July 2001 the Science Officer visited the office of the Lloyd's Register in order to explain in detail CCAMLR activities on the elimination of IUU fishing and to discuss problems experienced with the trial use of on-line services and possible cooperation with Lloyd's, in particular, on access to information on vessels reported to be engaged in IUU fishing (SCOI-01/7).

2.124 As a result of this visit, CCAMLR has been offered a CD-ROM version of the Lloyd's Register of Ships on an extended six-month trial. It was accepted that, initially, the Secretariat would make extensive use of the database until its backlog of work is removed. Thereafter, the Lloyd's Register will provide free-of-charge access to its on-line services and will consult the Secretariat on other sources of potential information with regard to IUU vessels. In return, it is expected that there will be a regular exchange of information between CCAMLR and Lloyd's on details of vessels found engaged in IUU fishing and any irregularities found by the CCAMLR Secretariat in the Lloyd's Register of Ships.

2.125 Therefore, information to be provided by CCAMLR in exchange for free access to the Lloyd's Register of Ships, as described above, would include:

- details of vessels from the CCAMLR vessel database which were found to be different from records in the Lloyd's database such as vessel name, call sign, registration number etc.;
- details of vessels reflagged by CCAMLR Members; and
- information from Members' reports on vessels found engaged in IUU fishing activities in the Convention Area.

2.126 The Secretariat believes that the current CCAMLR policy on access to information on IUU fishing activities allows acceptance of the conditions put forward by Lloyd's for use of their vessel register and that use of the register would significantly assist the Secretariat in its work. The Committee noted that the Secretariat has tentatively accepted this offer and recommended that the Commission agree to its continuation.

OPERATION OF THE SYSTEM OF INSPECTION AND COMPLIANCE WITH CONSERVATION MEASURES

Inspections Undertaken in the 2000/01 Season

3.1 The Secretariat reported that there were 56 CCAMLR inspectors nominated by Argentina, Australia, Chile, New Zealand, UK and the USA. CCAMLR inspectors designated by New Zealand (13) were deployed during the season in Subarea 88.1 and CCAMLR inspectors designated by the UK (15) were deployed in Subarea 48.3 from December 2000 to August 2001.

3.2 In the 2000/01 season eight inspection reports were received from CCAMLR inspectors, all designated by the UK. All inspections took place in Subarea 48.3. Vessels inspected were of the following flags: Chile (1), Japan (2), Republic of Korea (1), Russia (1), UK (1), Ukraine (1) and Uruguay (1). In general, all vessels inspected were reported as complying with conservation measures in force. However, the vessel *Ural* (Russia) did not have on board a copy of the fishing licence and vessels *No. 1 Moresko* (Republic of Korea) and *Isla Santa Clara* (Chile) did not fully comply with Conservation Measure 63/XV 'Regulation of the Use and Disposal of Plastic Packaging Bands on Fishing Vessels'.

3.3 With respect to the vessel *Ural*, Russia commented that the licence to the vessel was issued as required but, due to technical reasons, the owner did not deliver the licence to the vessel at the time the fishing season began.

3.4 Chile commented with respect to an inspection conducted on board the vessel *Isla Santa Clara* that the matter had been investigated and appropriate actions would be taken.

3.5 In accordance with paragraph XII of the System of Inspection, CCAMLR Flag States reported to the Commission on prosecutions and sanctions imposed as a consequence of inspections conducted on vessels flying their flags.

3.6 Reports have been received from the following Members: Chile (CCAMLR-XX/BG/25), Australia (BG/19) and South Africa (BG/5).

3.7 In particular, Chile informed the Committee about the action it had taken against vessels involved in infringements of CCAMLR conservation measures reported by inspections undertaken nationally (CCAMLR-XX/BG/25). The paper contained details of the court proceedings initiated over the period from 1992 to September 2001 with respect to four vessels.

3.8 South Africa advised that a fishing company is under investigation for being allegedly involved in irregular activities relating to violation of both South African domestic law and the requirements of the CDS (CCAMLR-XX/BG/5). The outcome of these investigations will be reported to CCAMLR in due course.

3.9 Argentina informed the Committee that proceedings carried out in relation to presumed infringements of conservation measures by *Estela*, *Magallanes I*, *Vieirasa Doce*, *Marunaka* and *Kinsho Maru* await a final decision. Proceedings are in place with regard to the fraudulent DCD referred to in Table 3 of CCAMLR-XX/BG/22 Rev. 2. In addition, Argentina wished to report that, according to information available to the Fishing Authority, some misreporting of *D. eleginoides* as *Eleginops maclovinus* has occurred on landing of catches by trawlers operating outside the Convention Area. This constitutes presumably an infringement of Conservation Measure 170/XIX as well as of internal fishing legislation, therefore proceedings have recently started.

3.10 Australia advised that legal action regarding the forfeiture of the *South Tomi* for fishing illegally in the Australian EEZ in Division 58.5.2 is still under way. Australia will advise the results of this action once it is complete.

3.11 The Committee noted reports of Members and requested that the Secretariat keep track of all reports received from Flag States on steps taken to investigate and, if necessary,

prosecute and impose sanctions with respect to violations of conservation measures by their flag vessels as reported by CCAMLR inspectors (System of Inspection, paragraphs XI and XII).

3.12 Following a proposal received intersessionally from the UK on the revision of the inspection report form and comments on the matter received from Uruguay (SCOI-01/18 Rev. 1), the Committee requested the Secretariat to revise the form as proposed, print new forms and circulate them to Members.

3.13 The Secretariat proposed that the Committee consider the feasibility of amending Conservation Measures 119/XVII and 148/XVII. A rationale for the amendments proposed was submitted in CCAMLR-XX/BG/24.

3.14 In particular, the Secretariat proposed that:

- (i) Conservation Measure 119/XVII 'Licensing and Inspection Obligations of Contracting Parties with regard to their Flag Vessels Operating in the Convention Area' be revised in order to incorporate a provision for reporting details of fishing licences issued; and
- (ii) Conservation Measure 148/XVII 'Automated Satellite-linked Vessel Monitoring Systems (VMS)' be revised in order to include reporting limited positional information on movements by vessels in and out of the Convention Area and CCAMLR statistical areas.

3.15 The Committee recommended to the Commission that Conservation Measure 119/XVII be adopted as revised (Appendix VI).

3.16 The Committee revised the proposal and recommended to the Commission that Conservation Measure 148/XVII be adopted as revised (Appendix VII).

Implementation of Conservation Measures

3.17 In accordance with Article XX.3 of the Convention, Members are required to inform the Commission periodically of steps taken to implement and ensure compliance with conservation measures adopted by the Commission.

3.18 At CCAMLR-XIX, the Secretariat was requested to compile an annual summary of information relating to compliance with conservation measures (CCAMLR-XIX, paragraph 8.15).

3.19 Details of compliance with fisheries management measures and data submission are given in CCAMLR-XX/BG/7. Assessment of compliance with all elements of Conservation Measure 29/XIX has been undertaken by WG-FSA based on factual data submitted by scientific observers. The report of the Scientific Committee will contain advice to the Commission on the matter.

3.20 The Committee discussed compliance by Members' vessels with Conservation Measure 29/XIX and noted that, while there had not been full compliance, there had been substantial improvement compared with the previous season. The Committee noted that

Argentina, Australia, Chile and South Africa were conducting research on improved seabird mitigation measures. Chile, Republic of Korea and South Africa also provided information on the activities of their vessels.

3.21 The Committee noted that several vessels had failed to comply with Conservation Measure 29/XIX for at least two seasons. The Committee again asked that Members check a vessel's ability to comply with Conservation Measure 29/XIX before it is authorised under Conservation Measure 119/XVII to fish in the Convention Area, and also to examine other ways in which compliance could be further improved.

3.22 No instances of discarded bait-box bands were reported by CCAMLR inspectors or observed by scientific observers (Conservation Measure 63/XV 'Regulation of the Use and Disposal of Plastic Packaging Bands on Fishing Vessels'). The report of the Scientific Committee will contain additional comments on the issue of compliance with the measure based on factual data submitted by scientific observers.

3.23 During the year Members are required to notify within seven days of the issue of each licence to their vessels for fishing in the Convention Area. (Conservation Measure 119/XVII and System of Inspection, paragraph IV(c)). Out of 53 notifications received, 13 notifications were received after the imposed deadline.

3.24 In addition, Chile reported that five of its flagged vessels were inspected in ports in accordance with Conservation Measure 119/XVII (SCOI-01/15). New Zealand, South Africa and Uruguay reported that all their flagged vessels were inspected.

3.25 Argentina, Namibia, New Zealand, South Africa, UK and Uruguay reported port inspections of vessels of Contracting and non-Contracting Parties made in accordance with Conservation Measures 118/XVII, 119/XVII and 147/XIX. The flags of the vessels inspected were Belize, France, Namibia, Russia, South Africa, Spain and Uruguay.

3.26 In accordance with paragraphs 7.22 and 7.23 of CCAMLR-XV, Members are required to inform the Secretariat of name changes, reflagging and re-registration of their vessels. No reports of reflagging had been received in the 2000/01 intersessional period.

3.27 The Committee received and discussed a proposal put forward by the USA on the effective date of CCAMLR conservation measures which noted the effect of Article IX.6 of the Convention on the ability to enforce CCAMLR conservation measures. The proposal was conveyed to the Scientific Committee for review. After hearing from the Chair of the Scientific Committee, SCOI agreed to submit the proposal to the Commission during its opening session on 29 October for consideration during its deliberations on conservation measures.

IMPLEMENTATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

4.1 A summary of all scientific observation programs undertaken in accordance with the scheme is given in SC-CAMLR-XX/BG/23. As required, international scientific observers were deployed on all vessels engaged in exploratory fisheries in 2000/01 with the exception of the EEZs of some coastal states in the Convention Area.

4.2 The Committee noted that, as in the past, the report of the Scientific Committee will include its advice to the Commission on all aspects of the scheme and also on the scientific observation requirements for 2001/02 fisheries.

4.3 Reports received from scientific observers with factual detail on sightings of fishing vessels were discussed by SCOI together with other information on IUU fishing activities in the Convention Area (see paragraph 2.12).

4.4 SCOI noted that this year it had not received any requests from the Scientific Committee relating to the operation of the scheme and to the need for its improvement. Therefore, no advice was forwarded to the Commission on the operational requirements of the scheme.

REVIEW OF SCOI WORKING ARRANGEMENTS

5.1 At CCAMLR-XIX, Members were requested to consider during the intersessional period a proposal by the European Community to adjust the Committee's terms of reference, with a view to discussing the matter further at this year's meeting (CCAMLR-XIX, paragraph 8.38). There were no comments or proposals submitted intersessionally.

5.2 Due to the lack of time at this year's meeting, the Committee decided to postpone discussions on the subject, addressed as a matter of priority, until next year's meeting.

5.3 The Committee recommended that the Commission should urge Members to consider the proposal by the European Community as submitted in CCAMLR-XIX/22, and provide it intersessionally with comments and suggestions on the proposal in order to take a decision on future arrangements for the work of the Committee at CCAMLR-XXI.

5.4 The Committee decided to draw to the attention of the Commission that any changes to working arrangements of the Committee should take into account problems of small delegations which are unable to attend several meetings of CCAMLR bodies being run concurrently.

ADVICE TO SCAF

6.1 The Committee noted that the only item relating to SCAF is the printing of inspection report forms and this has already been taken into consideration in the provisional budget for 2002. No other projects by the Committee would entail any financial obligation.

ELECTION OF VICE-CHAIR OF SCOI

7.1 The Committee elected Mr J. Turenne (France) as Vice-Chair for the next two years taking effect from the end of CCAMLR-XX.

ADVICE TO THE COMMISSION

8.1 The Committee made the following recommendations that the Commission:

- (i) in relation to IUU fishing in the Convention Area:
 - (a) consider establishing a list of countries which act as Flags of Convenience (paragraph 2.21);
 - (b) strengthen Conservation Measure 118/XVII and develop a Resolution on Flag State responsibilities of non-Contracting Parties in the Convention Area (paragraph 2.55);
 - (c) continue to reinforce its efforts to eliminate IUU fishing in the Convention Area (paragraph 2.63); and
 - (d) consider SCOI's concerns with toothfish landings reported from Area 51 (Indian Ocean) (paragraph 2.66);
- (ii) in relation to the CDS:
 - (a) adopt the revised Conservation Measure 170/XIX which includes revisions of procedures dealing with export verification, greater use of VMS for verification of DCDs, confiscated or seized catches and operation of the CDS Fund (paragraphs 2.88, 2.92, 2.99 and 2.103);
 - (b) consider further the draft Guide for the Completion of Catch Documents (paragraph 2.94);
 - (c) persuade Canada to become a Member of the Commission and participate in CDS (2.105);
 - (d) write to Mauritius seeking full implementation of the CDS, provision of details on landing information and inviting it to become a Party to the Convention (paragraphs 2.29 and 2.107);
 - (e) urge Members to nominate contact officers for correspondence on matters of domestic CCAMLR legislation and provide links to websites that provide details of this legislation (paragraph 2.110);
 - (f) urge Members to submit, on a voluntary basis, details of their flag vessels licensed to fish for *Dissostichus* spp. outside the Convention Area (paragraph 2.112);
 - (g) consider development of cooperation with FAO, WTO/CTE and WCO on CDS matters (paragraph 2.116); and
 - (h) continue work of the CDS group (paragraphs 2.117 and 2.118);

- (iii) in relation to the implementation of other measures aimed at the elimination of IUU fishing:
 - (a) approve continuation of information exchange on IUU fishing tentatively established by the Secretariat with Lloyd's Register (paragraph 2.126);
- (iv) in relation to the operation of the System of Inspection and compliance with conservation measures:
 - (a) adopt the revised Conservation Measure 119/XVII (paragraph 3.15);
 - (b) adopt the revised Conservation Measure 148/XVII (paragraph 3.16); and
 - (c) consider the proposal on the effective date of the implementation of CCAMLR conservation measures (paragraph 3.27);
- (v) in relation to the review of SCOI working arrangements:
 - (a) consider the proposal intersessionally, as a matter or priority, for discussion at the next year's meeting (paragraph 5.2).

ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

9.1 The Report of SCOI was adopted and the meeting closed.

AGENDA

Standing Committee on Observation and Inspection (SCOI)
(Hobart, Australia, 22 to 26 October 2001)

1. Opening of Meeting
2. Illegal, Unregulated and Unreported Fishing in the Convention Area
 - (i) Members' reports submitted in accordance with Articles X and XXII of the Convention, the System of Inspection and the Scheme of International Scientific Observation
 - (ii) Operation of the Catch Documentation Scheme (CDS)
 - (a) Annual Summary Report
 - (b) Access to CDS Data
 - (c) Confiscated or Seized Catches
 - (d) CDS Fund
 - (e) Improvements to the CDS
 - (iii) Implementation of Other Measures aimed at the Elimination of IUU Fishing
 - (a) Cooperation with Non-Contracting Parties
 - (b) CCAMLR Vessel Database
 - (c) Implementation of CDS-related Conservation Measures and Resolutions
 - (d) Additional Measures
 - (iv) Advice to the Commission
3. Operation of the System of Inspection and Compliance with Conservation Measures
 - (i) Inspections Undertaken
 - (ii) Actions of Flag States in respect of Inspections undertaken
 - (iii) Improvements to the System of Inspection
 - (iv) Compliance with Conservation Measures
 - (v) Advice to the Commission
4. Operation of the Scheme of International Scientific Observation
 - (i) Observation Programs Undertaken
 - (ii) Improvements to the Scheme
 - (iii) Advice to the Commission
5. Review of SCOI Working Arrangements
6. Advice to SCAF

7. Other Business
8. Election of Vice-Chair of SCOI
9. Adoption of the Report
10. Close of Meeting.

LIST OF DOCUMENTS

Standing Committee on Observation and Inspection (SCOI)
(Hobart, Australia, 22 to 26 October 2001)

SCOI-01/1	Provisional Agenda
SCOI-01/2	List of documents
SCOI-01/3	South African schedule of information for submission to SCOI for the split-year 2000/2001 South Africa
SCOI-01/4	Informe anual sobre la aplicación del VMS Uruguay
SCOI-01/5	Proposal for a revision of Conservation Measures 119/XVII and 148/XVII Secretariat
SCOI-01/6	Aplicación de la MC 170/XIX de la CCRVMA en la pesca artesanal de Chile Chile
SCOI-01/7	On cooperation with Lloyd's Vessel Register Secretariat
SCOI-01/8	New Zealand: compliance and enforcement-related activities (from the Report of Member's Activities in the Convention Area 2000/2001)
SCOI-01/9	Listado de naves con licencia internacional de Panama Secretariat
SCOI-01/10	Report on SCOI-related activities Republic of Korea
SCOI-01/11	Report on SCOI-related activities Ukraine
SCOI-01/12	Report on SCOI-related activities United Kingdom
SCOI-01/13	Resumen de las inspecciones portuarias realizadas de conformidad con las Medidas de Conservación 118/XVII, 119/XVII y 147/XIX Uruguay

SCOI-01/14	Correspondence between the Secretariat and Japan regarding confidentiality of CDS import details Secretariat
SCOI-01/15	Resumen de las inspecciones portuarias realizadas de conformidad con las Medidas de Conservación 118/XVII, 119/XVII y 147/XIX Chile
SCOI-01/16	Report of trading data and system about toothfish Japan
SCOI-01/17	Reports of CCAMLR inspectors submitted in accordance with the CCAMLR System of Inspection for 2000/2001
SCOI-01/18 Rev. 1	Member comments on the UK proposal to revise the CCAMLR 'Report of Inspection' form Secretariat
SCOI-01/19 Rev. 1	Reports of landings in Mauritius during 2000/2001 Secretariat
SCOI-01/20	Extract from the Report of the Working Group on Fish Stock Assessment (8 to 19 October 2001, Hobart, Australia) 'Estimates of Catch and Effort from IUU Fishing' and associated tables
SCOI-01/21	Proposal – institute electronic issuance of DCDs by CCAMLR K. Dawson (USA)
SCOI-01/22	Patagonian Toothfish Import Control Program E. Spencer Garrett (USA)
SCOI-01/23	Summaries of landing, exports and re-exports reported under the CDS 2000 – 17 October 2001
SCOI-01/24	Summaries of trade statistics for <i>Dissostichus</i> spp. and comparisons with data from the CDS database Secretariat
SCOI-01/25	Contribution to make preservation measures effective Uruguay
SCOI-01/26	Draft Guide to the Completion of <i>Dissostichus</i> Catch Documents Secretariat
SCOI-01/27	Port inspection in accordance with Conservation Measure 147/XIX Argentina

SCOI-01/28 Rev. 1	Report of discussions by the CDS Contact Group on the CCAMLR Catch Documentation Scheme (CDS) for toothfish (Convener, Mr E. Spencer Garret, USA)
Other Documents	
CCAMLR-XX/21	Cooperation with the Committee on Trade and the Environment of the World Trade Organization Secretariat
CCAMLR-XX/BG/4	CCAMLR conservation measures: a review Secretariat
CCAMLR-XX/BG/5	Report on inspection and implementation of sanctions – 2000/2001 Delegation of South Africa
CCAMLR-XX/BG/7 Rev. 1	Implementation of conservation measures in 2000/01 Secretariat
CCAMLR-XX/BG/17	Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet pour la saison 2000/2001 (1er juillet 2000–30 juin 2001). Informations générales sur la zone CCAMLR 58 Délégation française
CCAMLR-XX/BG/17 Additif	Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet pour la saison 2000/2001 (1er juillet 2000–30 juin 2001). Informations générales sur la zone CCAMLR 58 Délégation française
CCAMLR-XX/BG/19	Illegal, unregulated, unreported toothfish catch estimates for the Australian EEZ around Heard and McDonald Islands, 1 July 2000 – 30 June 2001 Delegation of Australia
CCAMLR-XX/BG/20	ASOC evaluation of the CDS The Antarctic and Southern Ocean Coalition
CCAMLR-XX/BG/21	Report on training conducted by Australia in Mauritius and Namibia to assist their implementation of the CCAMLR Catch Documentation Scheme Delegation of Australia
CCAMLR-XX/BG/22 Rev. 1	Implementation and operation of the Catch Documentation Scheme in 2000/2001 Secretariat

- CCAMLR-XX/BG/24 Implementation of the System of Inspection and other CCAMLR enforcement provisions, 2000/2001
Secretariat
- CCAMLR-XX/BG/25 Informe causas sustanciadas en Chile por infracciones a la norma CCRVMA Septiembre del año 2001
Delegación de Chile
- CCAMLR-XX/BG/28 Patagonian toothfish – are conservation measures working?
Submitted by the IUCN
- CCAMLR-XX/BG/29 Antarctic toothfish – an analysis of management, catch and trade
Submitted by the IUCN

PROPOSED RESOLUTION

[The Commission,

Noting that CDS data show very large catches of *Dissostichus* spp. attributed to FAO Statistical Area 51,

Noting advice from the Scientific Committee which casts doubt on the fact that catches of *Dissostichus* spp. of this magnitude could be taken in FAO Statistical Area 51,

Conscious of advice of SCOI that these catches may be being misreported,

Concerned by the fact that the CDS could be used to legitimise IUU catches of *Dissostichus* spp.,

Recognising the potential for catches of *Dissostichus* spp. attributed to FAO Statistical Area 51 to have come from within the Convention Area,

Concerned that such misreporting would seriously undermine the effectiveness of CCAMLR Conservation Measures,

urges States participating in the CDS to review their domestic laws and regulations with a view to prohibiting landings/transshipments/imports of toothfish declared as having been caught in FAO Statistical Area 51 (except in the case of toothfish declared as having been caught in the waters under the jurisdiction of Contracting Parties.)

PROPOSED REVISION

CONSERVATION MEASURE 170/XIX
Catch Documentation Scheme for *Dissostichus* spp.

The Commission,

Concerned that illegal, unregulated and unreported (IUU) fishing for *Dissostichus* spp. in the Convention Area threatens serious depletion of populations of *Dissostichus* spp.,

Aware that IUU fishing involves significant by-catch of some Antarctic species, including endangered albatross,

Noting that IUU fishing is inconsistent with the objective of the Convention and undermines the effectiveness of CCAMLR conservation measures,

Underlining the responsibilities of Flag States to ensure that their vessels conduct their fishing activities in a responsible manner,

Mindful of the rights and obligations of Port States to promote the effectiveness of regional fishery conservation measures,

Aware that IUU fishing reflects the high value of, and resulting expansion in markets for and international trade in, *Dissostichus* spp.,

Recalling that Contracting Parties have agreed to introduce classification codes for *Dissostichus* spp. at a national level,

Recognising that the implementation of a Catch Documentation Scheme for *Dissostichus* spp. will provide the Commission with essential information necessary to provide the precautionary management objectives of the Convention,

Committed to take steps, consistent with international law, to identify the origins of *Dissostichus* spp. entering the markets of Contracting Parties and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into their territories was caught in a manner consistent with CCAMLR conservation measures,

Wishing to reinforce the conservation measures already adopted by the Commission with respect to *Dissostichus* spp.,

Inviting non-Contracting Parties whose vessels fish for *Dissostichus* spp. to participate in the Catch Documentation Scheme for *Dissostichus* spp.,

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

1. Each Contracting Party shall take steps to identify the origin of *Dissostichus* spp. imported into or exported from its territories and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into or exported from its territories was caught in a manner consistent with CCAMLR conservation measures.
2. Each Contracting Party shall require that each master or authorised representative of its flag vessels authorised to engage in harvesting of *Dissostichus eleginoides* and/or *Dissostichus mawsoni* complete a *Dissostichus* catch document for the catch landed or transhipped on each occasion that it lands or tranships *Dissostichus* spp.
3. Each Contracting Party shall require that each landing of *Dissostichus* spp. at its ports and each transhipment of *Dissostichus* spp. to its vessels be accompanied by a completed *Dissostichus* catch document.
4. Each Contracting Party shall, in accordance with their laws and regulations, require that their flag vessels which intend to harvest *Dissostichus* spp., including on the high seas outside the Convention Area, are provided with specific authorisation to do so. Each Contracting Party shall provide *Dissostichus* catch document forms to each of its flag vessels authorised to harvest *Dissostichus* spp. and only to those vessels.
5. A non-Contracting Party seeking to cooperate with CCAMLR by participating in this Scheme may issue *Dissostichus* catch document forms, **in accordance with the procedures specified in paragraphs 6 and 7**, to any of its flag vessels that intend to harvest *Dissostichus* spp.
6. The *Dissostichus* catch document shall include the following information:
 - (i) the name, address, telephone and fax numbers of the issuing authority;
 - (ii) the name, home port, national registry number, and call sign of the vessel and, if issued, its IMO/Lloyd's registration number;
 - (iii) the reference number of the licence or permit, whichever is applicable, that is issued to the vessel;
 - (iv) the weight of each *Dissostichus* species landed or transhipped by product type, and
 - (a) by CCAMLR statistical subarea or division if caught in the Convention Area; and/or
 - (b) by FAO statistical area, subarea or division if caught outside the Convention Area;
 - (v) the dates within which the catch was taken;
 - (vi) the date and the port at which the catch was landed or the date and the vessel, its flag and national registry number, to which the catch was transhipped; and
 - (vii) the name, address, telephone and fax numbers of the recipient(s) of the catch and the amount of each species and product type received.

7. Procedures for completing *Dissostichus* catch documents in respect of vessels are set forth in paragraphs A1 to A10 of Annex 170/A to this measure. The standard catch document is attached to the annex.
8. Each Contracting Party shall require that each shipment of *Dissostichus* spp. imported into **or exported from** its territory be accompanied by the export -validated *Dissostichus* catch document(s) and, where appropriate, validated re-export document(s) that account for all the *Dissostichus* spp. contained in the shipment.
9. An export-validated *Dissostichus* catch document issued in respect of a vessel is one that:
 - (i) includes all relevant information and signatures provided in accordance with paragraphs A1 to A11 of Annex 170/A to this measure; and
 - (ii) includes a signed and stamped certification by a responsible official of the exporting State of the accuracy of the information contained in the document.
10. Each Contracting Party shall ensure that its customs authorities or other appropriate officials request and examine the ~~import~~ documentation of each shipment of *Dissostichus* spp. imported into **or exported from** its territory to verify that it includes the export-validated *Dissostichus* catch document(s) and, where appropriate, validated re-export document(s) that account for all the *Dissostichus* spp. contained in the shipment. These officials may also examine the content of any shipment to verify the information contained in the catch document or documents.
11. If, as a result of an examination referred to in paragraph 10 above, a question arises regarding the information contained in a *Dissostichus* catch document or a re-export document the exporting State whose national authority validated the document(s) and, as appropriate, the Flag State whose vessel completed the document are called on to cooperate with the importing State with a view to resolving such question.
12. Each Contracting Party shall promptly provide by the most rapid electronic means copies to the CCAMLR Secretariat of all export-validated *Dissostichus* catch documents and, where relevant, validated re-export documents that it issued from and received into its territory and shall report annually to the Secretariat data, drawn from such documents, on the origin and amount of *Dissostichus* spp. exported from and imported into its territory.
13. Each Contracting Party, and any non-Contracting Party that issues *Dissostichus* catch documents in respect of its flag vessels in accordance with paragraph 5, shall inform the CCAMLR Secretariat of the national authority or authorities (including names, addresses, phone and fax numbers and email addresses) responsible for issuing and validating *Dissostichus* catch documents.
14. Notwithstanding the above, any Contracting Party, **or any non-Contracting Party participating in the Catch Documentation Scheme**, may require additional

verification of catch documents **by Flag States** by using, *inter alia*, VMS, in respect of catches¹ ~~by its flag vessel~~ **staken on the high seas** outside the Convention Area, when landed at, **imported into or** ~~and~~ exported from its territory.

- 15. If a Contracting Party participating in the CDS has cause to sell or dispose of seized or confiscated *Dissostichus* spp., it may issue a specially validated *Dissostichus* Catch Document (SVDCD) specifying the reasons for that validation. The SVDCD shall include a statement describing the circumstances under which confiscated fish are moving in trade. To the extent practicable, Parties shall ensure that no financial benefit arising from the sale of seized or confiscated catch accrue to the perpetrators of IUU fishing. If a Contracting Party issues a SVDCD, it shall immediately report all such validations to the Secretariat for conveying to all Parties and, as appropriate, recording in trade statistics.**
- 16. A Contracting Party may transfer all or part of the proceeds from the sale of seized or confiscated *Dissostichus* spp. into the CDS Fund created by the Commission or into a national fund which promotes achievement of the objectives of the Convention. A Contracting Party may, consistent with its domestic legislation, decline to provide a market for toothfish offered for sale with a SVDCD by another State. Provisions concerning the uses of the CDS Fund are found in Annex B.**

¹ Excluding by-catches of *Dissostichus* spp. by trawlers fishing on the high seas outside the Convention Area. A by-catch shall be defined as no more than 5% of total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel.

A1. Each Flag State shall ensure that each *Dissostichus* catch document form that it issues includes a specific identification number consisting of:

- (i) a four-digit number, consisting of the two-digit International Standards Organization (ISO) country code plus the last two digits of the year for which the form is issued; and
- (ii) a three-digit sequence number (beginning with 001) to denote the order in which catch document forms are issued.

It shall also enter on each *Dissostichus* catch document form the number as appropriate of the licence or permit issued to the vessel.

A2. The master of a vessel which has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures prior to each landing or transhipment of *Dissostichus* spp.:

- (i) the master shall ensure that the information specified in paragraph 6 of this conservation measure is accurately recorded on the *Dissostichus* catch document form;
- (ii) if a landing or transhipment includes catch of both *Dissostichus* spp., the master shall record on the *Dissostichus* catch document form the total amount of the catch landed or transhipped by weight of each species;
- (iii) if a landing or transhipment includes catch of *Dissostichus* spp. taken from different statistical subareas and/or divisions, the master shall record on the *Dissostichus* catch document form the amount of the catch by weight of each species taken from each statistical subarea and/or division; and
- (iv) the master shall convey to the Flag State of the vessel by the most rapid electronic means available, the *Dissostichus* catch document number, the dates within which the catch was taken, the species, processing type or types, the estimated weight to be landed and the area or areas of the catch, the date of landing or transhipment and the port and country of landing or vessel of transhipment and shall request from the Flag State, a Flag State confirmation number.

A3. If, for catches¹ taken in the Convention Area or on the high seas outside the Convention Area, the Flag State ~~determines~~ verifies, by the use of a VMS (as described in paragraphs 5 and 6 of Conservation Measure 148/XVII), the area fished and that the catch to be landed or transhipped as reported by ~~the~~ its vessel is

¹ Excluding by-catches of *Dissostichus* spp. by trawlers fishing on the high seas outside the Convention Area. A by-catch shall be defined as no more than 5% of total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel.

accurately recorded and taken in a manner consistent with its authorisation to fish, it shall convey a unique Flag State confirmation number to the **vessel's** master by the most rapid electronic means available.

- A4. The master shall enter the Flag State confirmation number on the *Dissostichus* catch document form.
- A5. The master of a vessel that has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures immediately after each landing or transshipment of *Dissostichus* spp.:
- (i) in the case of a transshipment, the master shall confirm the transshipment by obtaining the signature on the *Dissostichus* catch document of the master of the vessel to which the catch is transferred;
 - (ii) in the case of a landing, the master or authorised representative shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official at the port of landing or free trade zone;
 - (iii) in the case of a landing, the master or authorised representative shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade zone; and
 - (iv) in the event that the catch is divided upon landing, the master or authorised representative shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.
- A6. In respect of each landing or transshipment, the master or authorised representative shall immediately sign and convey by the most rapid electronic means available a copy, or, if the catch landed was divided, copies, of the signed *Dissostichus* catch document to the Flag State of the vessel and shall provide a copy of the relevant document to each recipient of the catch.
- A7. The Flag State of the vessel shall immediately convey by the most rapid electronic means available a copy or, if the catch was divided, copies, of the signed *Dissostichus* catch document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.
- A8. The master or authorised representative shall retain the original copies of the signed *Dissostichus* catch document(s) and return them to the Flag State no later than one month after the end of the fishing season.
- A9. The master of a vessel to which catch has been transhipped (receiving vessel) shall adhere to the following procedures immediately after landing of such catch in order to complete each *Dissostichus* catch document received from transshipping vessels:
- (i) the master of the receiving vessel shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official at the port of landing or free trade zone;

- (ii) the master of the receiving vessel shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade zone; and
 - (iii) in the event that the catch is divided upon landing, the master of the receiving vessel shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.
- A10. In respect of each landing of transhipped catch, the master or authorised representative of the receiving vessel shall immediately sign and convey by the most rapid electronic means available a copy of all the *Dissostichus* catch documents, or if the catch was divided, copies, of all the *Dissostichus* catch documents, to the Flag State(s) that issued the *Dissostichus* catch document, and shall provide a copy of the relevant document to each recipient of the catch. The Flag State of the receiving vessel shall immediately convey by the most rapid electronic means available a copy of the document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.
- A11. For each shipment of *Dissostichus* spp. to be exported from the country of landing, the exporter shall adhere to the following procedures to obtain the necessary export validation of the *Dissostichus* catch document(s) that account for all the *Dissostichus* spp. contained in the shipment:
- (i) the exporter shall enter on each *Dissostichus* catch document the amount of each *Dissostichus* spp. reported on the document that is contained in the shipment;
 - (ii) the exporter shall enter on each *Dissostichus* catch document the name and address of the importer of the shipment and the point of import;
 - (iii) the exporter shall enter on each *Dissostichus* catch document the exporter's name and address, and shall sign the document; and
 - (iv) the exporter shall obtain a signed and stamped validation of the *Dissostichus* catch document by a responsible official of the exporting State.
- A12. In the case of re-export, the re-exporter shall adhere to the following procedures to obtain the necessary re-export validation of the *Dissostichus* catch document(s) that account for all the *Dissostichus* spp. contained in the shipment:
- (i) the re-exporter shall supply details of the net weight of product of all species to be re-exported, together with the *Dissostichus* catch document number to which each species and product relates;
 - (ii) the re-exporter shall supply the name and address of the importer of the shipment, the point of import and the name and address of the exporter;
 - (iii) the re-exporter shall obtain a signed and stamped validation of the above details by the responsible official of the exporting State on the accuracy of information contained in the document(s); and

- (iv) the responsible official of the exporting state shall immediately transmit by the most rapid electronic means a copy of the re-export document to the Secretariat to be made available next working day to all Contracting Parties.

The standard form for re-export is attached to this annex.

THE USE OF THE CDS FUND

- B1. The purpose of the CDS Fund ('the Fund') is to enhance the capacity of the Commission in improving the effectiveness of the CDS and by this, and other means, to prevent, deter and eliminate IUU fishing in the Convention Area.**
- B2. The Fund will be operated according to the following provisions:**
- (i) The Fund shall be used for special projects, or special needs of the Secretariat if the Commission so decides, aimed at assisting the development and improving the effectiveness of the CDS. The Fund may also be used for special projects and other activities contributing to the prevention, deterrence and elimination of IUU fishing in the Convention Area, and for other such purposes as the Commission may decide.**
 - (ii) The Fund shall be used primarily for projects conducted by the Secretariat, although the participation of Members in these projects is not precluded. While individual Member projects may be considered, this shall not replace the normal responsibilities of Members of the Commission. The Fund shall not be used for routine Secretariat activities.**
 - (iii) Proposals for special projects may be made by Members, by the Commission or the Scientific Committee and their subsidiary bodies, or by the Secretariat. Proposals shall be made to the Commission in writing and be accompanied by an explanation of the proposal and an itemised statement of estimated expenditure.**
 - (iv) The Commission will, at each annual meeting, designate six Members to serve on a Review Panel to review proposals made intersessionally and to make recommendations to the Commission on whether to fund special projects or special needs. The Review Panel will operate by email intersessionally and meet during the first week of the Commission's annual meeting.**
 - (v) The Commission shall review all proposals and decide on appropriate projects and funding as a standing agenda item at its annual meeting.**
 - (vi) The Fund may be used to assist Acceding States and non-Contracting Parties that wish to cooperate with CCAMLR and participate in the CDS, so long as this use is consistent with provisions (i) and (ii) above. Acceding States and non-Contracting Parties may submit proposals if the proposals are sponsored by, or in cooperation with, a Member.**
 - (vii) The Financial Regulations of the Commission shall apply to the Fund, except in so far as these provisions provide or the Commission decides otherwise.**
 - (viii) The Secretariat shall report to the annual meeting of the Commission on the activities of the Fund, including its income and expenditure. Annexed to the**

report shall be reports on the progress of each project being funded by the Fund, including details of the expenditure on each project. The report will be circulated to Members in advance of the annual meeting.

- (ix) Where an individual Member project is being funded according to provision (ii), that Member shall provide an annual report on the progress of the project, including details of the expenditure on the project. The report shall be submitted to the Secretariat in sufficient time to be circulated to Members in advance of the annual meeting. When the project is completed, that Member shall provide a final statement of account certified by an auditor acceptable to the Commission.**
- (x) The Commission shall review all ongoing projects at its annual meeting as a standing agenda item and reserves the right, after notice, to cancel a project at any time should it decide that it is necessary. Such a decision shall be exceptional, and shall take into account progress made to date and likely progress in the future, and shall in any case be preceded by an invitation from the Commission to the project coordinator to present a case for continuation of funding.**
- (xi) The Commission may modify these provisions at any time.**

**ISSUES TO BE DISCUSSED INTERSESSIONALLY
BY THE INFORMAL CDS GROUP**

1. **CDS data analysis:** Define the user data analysis requirements from perspectives of Flag States, Port States, and importing/exporting States.
2. **CDS data access:** Provision of summaries of CDS data to the public taking into account confidentiality aspects of CDS information.
3. **Verification procedures:** Define catch document verification procedures for Flag States, Port States, and importing/exporting States.
4. **Differences between weights of fish exported and landed:** Investigate possible reasons for existing differences in landings and exports in a number of catch documents identified by the Secretariat.
5. **Conversion factors:** Assist the Secretariat in collecting conversion factors used by the fishing industry for different types of toothfish products.
6. **Multiple transshipments:** Investigate how the CDS and the catch document form can be modified to account for multiple transshipments.
7. **Definitions:** Further consideration is required regarding any possible changes to the definitions of landing and transhipment used in the CDS Explanatory Memorandum.
8. **Cooperation with international organisations:** Consider policy of cooperation with the FAO Consultation on the Development of a Model Uniform Catch Documentation and Reporting Measures, WTO Committee on Trade and the Environment (CTE) and the World Customs Organisation.
9. **Use of observers:** Consider the utility and feasibility of deploying scientific observers on board vessels fishing for toothfish in Area 51.
10. **Domestic CCAMLR implementing laws and regulations:** Provide the Secretariat with references to websites containing national AMLR laws for each Contracting Party and nominate national contact persons familiar with Contracting Parties' domestic CCAMLR implementing laws and regulations.
11. Other issues not addressed during the meeting of the Informal CDS Group held on 18 and 19 October 2001.

PROPOSED REVISION

CONSERVATION MEASURE 119/XVII^{1,2}
Licensing and Inspection Obligations of Contracting Parties
with regard to their Flag Vessels Operating in the Convention Area

1. Each Contracting Party shall prohibit fishing by its flag vessels in the Convention Area except pursuant to a licence³ that the Contracting Party has issued setting forth the specific areas, species and time periods for which such fishing is authorised and all other specific conditions to which the fishing is subject to give effect to CCAMLR conservation measures and requirements under the Convention.
2. A Contracting Party may only issue such a licence to fish in the Convention Area to vessels flying its flag, if it is satisfied of its ability to exercise its responsibilities under the Convention and its conservation measures, by requiring from each vessel, inter alia, the following:
 - (i) timely notification by the vessel to its Flag State of exit from and entry into any port;
 - (ii) notification by the vessel to its Flag State of entry into the Convention Area and movement between areas, subareas/divisions;
 - (iii) reporting by the vessel of catch data in accordance with CCAMLR requirements; and
 - (iv) operation of a VMS system on board the vessel in accordance with Conservation Measure 148/XVII.
3. **Each Contracting Party shall provide to the Secretariat within seven days of the issuance of each licence the following information about licences issued:**
 - **name of the vessel;**
 - **time periods authorised for fishing (start and end dates);**
 - **area(s) of fishing;**
 - **species targeted; and**
 - **gear used.**
4. The licence or an authorised copy of the licence must be carried by the fishing vessel and must be available for inspection at any time by a designated CCAMLR inspector in the Convention Area.
5. Each Contracting Party shall verify, through inspections of all of its fishing vessels at the Party's departure and arrival ports, and where appropriate, in its Exclusive Economic Zone, their compliance with the conditions of the licence as described in paragraph 1 and with the CCAMLR conservation measures. In the event that there is

evidence that the vessel has not fished in accordance with the conditions of its licence, the Contracting Party shall investigate the infringement and, if necessary, apply appropriate sanctions in accordance with its national legislation.

6. Each Contracting Party shall include in its annual report pursuant to paragraph 12 of the CCAMLR System of Inspection, steps it has taken to implement and apply this conservation measure; and may include additional measures it may have taken in relation to its flag vessels to promote the effectiveness of CCAMLR conservation measures.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands

² Except for waters adjacent to the Prince Edward Islands

³ Includes permit

PROPOSED REVISION**CONSERVATION MEASURE 148/XVII
Automated Satellite-Linked Vessel Monitoring Systems (VMS)**

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

1. Each Contracting Party shall, no later than 1 March 1999, establish an automated Vessel Monitoring System (VMS) to monitor the position of its fishing vessels, which are licensed¹ in accordance with Conservation Measure 119/XVII, to harvest marine living resources in the Convention Area, and for which catch limits, fishing seasons or area restrictions have been set by conservation measures adopted by the Commission.
2. Any Contracting Party unable to establish VMS in accordance with paragraph 1 shall inform the CCAMLR Secretariat within 90 days following the notification of this conservation measure, and communicate its intended timetable for implementation of VMS. However, the Contracting Party shall establish VMS at the earliest possible date, and in any event, no later than 31 December 2000.
3. The implementation of VMS on vessels while participating only in a krill fishery is not currently required.
4. **Each Contracting Party, within two working days of receiving the required VMS information, shall provide to the Secretariat dates and the statistical area, subarea or division for each of the following movements of its flag fishing vessels:**
 - (i) **entering and leaving the Convention Area; and**
 - (ii) **crossing boundaries between CCAMLR statistical areas, subareas and divisions.**
5. For the purpose of this measure, VMS means a system where, *inter alia*:
 - (i) through the installation of satellite-tracking devices on board its fishing vessels, the Flag State receives automatic transmission of certain information. This information includes the fishing vessel identification, location, date and time, and is collected by the Flag State at least every four hours to enable it to monitor effectively its flag vessels;
 - (ii) performance standards provide, as a minimum, that the VMS:
 - (a) is tamper proof;
 - (b) is fully automatic and operational at all times regardless of environmental conditions;
 - (c) provides real time data;

- (d) provides the geographical position of the vessel, with a position error of less than 500 m with a confidence interval of 99%, the format being determined by the Flag State; and
 - (e) in addition to regular messages, provides special messages when the vessel enters or leaves the Convention Area and when it moves between one CCAMLR area, subarea or division within the Convention Area.
- 6. In the event of technical failure or other non-function of the VMS, the master or the owner of the fishing vessel, as a minimum:
 - (i) shall communicate at least once every 24 hours, starting from the time that this event was detected, the data referred in paragraph 4(i) by telex, by fax, by telephone message or by radio to the Flag State; and
 - (ii) shall take immediate steps to have the device repaired or replaced as soon as possible, and, in any event, within two months. If during that period the vessel returns to port it shall not be allowed to commence a further fishing trip without having the defective device repaired or replaced.
- 7. In the event that the VMS ceases to operate, the Contracting Party as soon as possible shall advise the Executive Secretary of the name of the vessel, the date, time and the location of the vessel when the VMS failed. The Party shall also inform the Executive Secretary when the VMS becomes operational again. The Executive Secretary shall make such information available to Contracting Parties upon request.
- 8. Contracting Parties shall report to the Secretariat before the start of the annual meeting of the Commission in 1999, on the VMS which has been introduced in accordance with paragraphs 1 and 2, including its technical details, and each year thereafter, on:
 - (i) any change in the VMS; and
 - (ii) in accordance with paragraph XI of the CCAMLR System of Inspection, all cases where they have determined, with the assistance of the VMS that vessels of their flag had fished in the Convention Area in possible contravention of CCAMLR conservation measures.

¹ Includes permitted