

**COMMISSION FOR THE CONSERVATION OF
ANTARCTIC MARINE LIVING RESOURCES**

**REPORT OF THE THIRTY-EIGHTH MEETING
OF THE COMMISSION**

HOBART, AUSTRALIA
21 OCTOBER – 1 NOVEMBER 2019

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Abstract

This document is the adopted record of the Thirty-eighth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia, from 21 October to 1 November 2019. Major topics discussed at this meeting included: the Report of the Thirty-eighth meeting of CCAMLR's Scientific Committee; illegal, unreported and unregulated fishing in the Convention Area; new proposals on marine protected areas in the Convention Area; assessment and avoidance of incidental mortality of Antarctic marine living resources; the management of exploratory fisheries; fisheries research proposals; the System of Inspection and the Scheme of International Scientific Observation; compliance with conservation measures in force; establishment of a new Capacity Building Fund; and cooperation with other international organisations, including within the Antarctic Treaty System. The Reports of the Standing Committee on Implementation and Compliance and the Standing Committee on Administration and Finance are appended.

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Report of the Thirty-eighth Meeting of the Commission

(Hobart, Australia, 21 October to 1 November 2019)

Opening of meeting

1.1 The Thirty-eighth Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR-38) was held in Hobart, Tasmania, Australia, from 21 October to 1 November 2019. It was chaired by Mr F. Curcio Ruigómez (Spain).

1.2 The following Members of the Commission were represented: Argentina, Australia, Belgium, Brazil, Chile, People's Republic of China (China), European Union (EU), France, Germany, India, Italy, Japan, Republic of Korea (Korea), Namibia, the Kingdom of the Netherlands (Netherlands), New Zealand, Norway, Poland, Russian Federation (Russia), South Africa, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland (UK), United States of America (USA) and Uruguay.

1.3 Other Contracting Parties, Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Islamic Republic of Pakistan, Republic of Panama, Peru and Vanuatu were invited to attend the meeting as Observers. Canada and Finland attended.

1.4 In accordance with the Commission's decisions (CCAMLR-XXXVII, paragraphs 13.10 to 13.13 and COMM CIRC 19/56) the following non-Contracting Parties (NCPs) were invited to attend CCAMLR-38 as Observers: Republic of Angola (Angola), Antigua and Barbuda, Brunei Darussalam, Cambodia, Colombia, Cuba, Dominican Republic, Republic of Ecuador (Ecuador), Gambia, Indonesia, Islamic Republic of Iran, Lebanon, Luxembourg, Malaysia, Republic of the Maldives, Mexico, Nigeria, Philippines, Singapore, St Kitts and Nevis, St Vincent and the Grenadines, Tanzania, Thailand, Togo, Trinidad and Tobago, United Arab Emirates and Viet Nam. Ecuador, Luxembourg and Singapore attended the meeting.

1.5 The Agreement on the Conservation of Albatrosses and Petrels (ACAP), the Association of Responsible Krill harvesting companies (ARK), the Antarctic and Southern Ocean Coalition (ASOC), the Antarctic Treaty Secretariat, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Committee for Environmental Protection (CEP), the Convention on International Trade in Endangered Species (CITES), the Coalition of Legal Toothfish Operators (COLTO), the Council of Managers of National Antarctic Programs (COMNAP), the Food and Agriculture Organization of the United Nations (FAO), the International Association of Antarctica Tour Operators (IAATO), the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), INTERPOL, the Intergovernmental Oceanographic Commission (IOC), the International Union for Conservation of Nature (IUCN), the International Whaling Commission (IWC), Oceanites Inc., the Secretariat of the Regional Plan of Action to Promote Responsible Fishing Practices Including Combating IUU Fishing in South East Asia (RPOA-IUU), the Scientific Committee on Antarctic Research (SCAR), the Scientific Committee on Oceanic Research (SCOR), the South East Atlantic Fisheries Organisation (SEAFO), the Southern Indian Ocean Fisheries Agreement (SIOFA), Southern Ocean Observing System (SOOS), the South Pacific Regional Fisheries Management Organisation (SPRFMO), the United Nations Environment Programme (UNEP) and the Western and Central Pacific Fisheries Commission

(WCPFC) were also invited to attend the meeting as Observers. ACAP, ARK, ASOC, the Antarctic Treaty Secretariat, CCSBT, CEP, COLTO, FAO, IAATO, INTERPOL, Oceanites Inc., SCAR, SCOR, SPRFMO were represented.

1.6 The List of Participants is given in Annex 1. The List of Documents presented to the meeting is given in Annex 2.

1.7 The Chair welcomed all participants to the meeting and introduced Her Excellency, Professor Kate Warner AC, the Governor of Tasmania, who delivered the opening address (Annex 3).

1.8 On behalf of the meeting, Dr M. Schönemeyer (Vice-Chair, Germany) thanked the Governor for her welcome.

1.9 The Commission noted that Brazil was more than two years in arrears in respect of its budgetary contributions to the organisation. While Brazil was welcome to participate in discussions at CCAMLR-38, the Commission agreed it would not be entitled to block a consensus decision of other Members. Brazil stated that it recognised the debt and that it is making the best efforts to make the payment.

Organisation of the meeting

Adoption of agenda

2.1 The agenda for the meeting was adopted (Annex 4).

2.2 The Chair confirmed that Ms J. Kim (Korea) would chair the Standing Committee on Implementation and Compliance (SCIC) and Mr K. Timokhin (Russia) would chair the Standing Committee on Administration and Finance (SCAF). Japan generously offered Mr H. Moronuki as Chair of the conservation measures drafting group. He also noted that Dr M. Belchier (UK) would chair the Scientific Committee. On behalf of the Commission, the Chair expressed appreciation to the Delegations of Korea, Russia, Japan and the UK respectively for releasing these delegation members for these important roles.

Status of the Convention

2.3 Australia, as the Depositary State, reported that the Netherlands became a Member of the Commission on 8 October 2019. On behalf of the Commission, the Chair welcomed the Netherlands to Membership of the Commission.

2.4 The Netherlands expressed its pleasure at becoming a Member and confirmed its strong commitment to the objective of the Convention and its interest and engagement in research in relation to Antarctic marine living resources.

2.5 The Commission welcomed the Netherlands.

Chair's report

2.6 The Chair provided a brief report on the activities of the Commission during the last 12 months (Annex 5).

Proposals for new conservation measures

2.7 To facilitate the review of proposals for new conservation measures, the Chair provided delegations that had tabled papers that included such proposals an opportunity to introduce the following papers:

- a draft conservation measure for an East Antarctic marine protected area (EAMPA) by Australia and the EU and its member States (CCAMLR-38/21)
- a draft conservation measure for a Weddell Sea MPA (WSMPA) by the EU and its member States and Norway (CCAMLR-38/23)
- a draft conservation measure for a Domain 1 (Western Antarctic Peninsula and South Scotia Arc) MPA (D1MPA) by Argentina and Chile (CCAMLR-38/25 Rev. 1).

2.8 Along with their presentation, Argentina and Chile also presented a short documentary on a joint scientific expedition which was recently undertaken together with the National Geographic's Pristine Seas project in support of the D1MPA proposal.

Implementation and compliance

Advice from SCIC

3.1 The Chair of SCIC, Ms Kim, presented the SCIC-2019 report (Annex 6). The Chair of SCIC thanked the Secretariat, interpreters, translators, rapporteurs and support staff for their dedicated service throughout the meeting, and Members for their constructive and cooperative engagement that made it possible for SCIC to finish all its work within a very condensed schedule.

3.2 The Chair of SCIC noted the significant efforts of the Secretariat to progress and improve the work related to SCIC, including the Catch Documentation Scheme for *Dissostichus* spp. (CDS), CCAMLR Compliance Evaluation Procedure (CCEP), illegal, unreported and unregulated (IUU) fishing and non-Contracting Party (NCP) engagement.

3.3 The Commission endorsed the proposed NCP Engagement Strategy and Action Plan for 2020–2022 (SCIC-2019 report, paragraph 6).

3.4 The Commission endorsed the advice of SCIC and the CDS Fund Review Panel for expenditure from the CDS Fund in 2020 to fund two Secretariat activities (SCIC-2019 report, paragraphs 8 to 13). The Commission thanked the Secretariat for its work on the CDS and welcomed the proposal to develop online interactive training materials for the use of the CDS and training workshops, noting that it was important to engage CDS users when developing training materials.

3.5 The Commission endorsed SCIC's advice that the analysis of CDS and global toothfish trade data be undertaken every two years (SCIC-2019 report, paragraphs 14 to 20).

3.6 The Commission noted SCIC's advice that the discrepancy identified in the reconciliation between CDS and fine-scale catch and effort data for the Convention Area was less than 1%, which is within the agreed tolerance range and supported the conclusion that Members were meeting their obligations (SCIC-2019 report, paragraph 15).

3.7 The Commission noted the practical application of Conservation Measure (CM) 10-03 and the System of Inspection during the 2018/19 season (SCIC-2019 report, paragraphs 21 to 23 and 106) and endorsed the recommendation that an electronic version of the form in CM 10-03, Annex 10-03/A, be developed and made available to Contracting Parties.

3.8 The Commission acknowledged the efforts of Members who undertake inspections in the CAMLR Convention Area and the importance of these inspections for monitoring compliance with CCAMLR conservation measures.

3.9 The Commission noted the outcomes of the satellite overwatch pilot project by France supported by the Secretariat (SCIC-2019 report, paragraphs 24 to 27) and by a voluntary contribution from the EU. New Zealand thanked France, the EU and the Secretariat on undertaking this work, noted that this technology will only improve, and looked forward to seeing the next proposals for this project at CCAMLR-39.

3.10 The Commission thanked the UK for its report (CCAMLR-38/BG/40) on electronic monitoring systems as a management tool to support data collection and compliance on CCAMLR vessels. The Commission endorsed the creation of an e-group for intersessional discussions and work related to electronic monitoring, to be chaired by the UK, and extended an invitation of participation to COLTO and ARK (SCIC-2019 report, paragraph 33).

3.11 The Commission noted that the offal management e-group will continue to meet intersessionally in order to strengthen offal management practices in the Convention Area (SCIC-2019 report, paragraph 30). New Zealand also encouraged Members to investigate any instances of offal found in the stomachs of toothfish as this highlighted possible non-compliance with CM 26-01.

3.12 The Commission noted recommendations for new and revised conservation measures (SCIC-2019 report, paragraphs 39 to 63).

3.13 The Commission noted the consideration by SCIC of the EU's proposal to revise CM 10-09 (CCAMLR-38/17) to reference the prohibitions on transshipment in the South Orkney Islands southern shelf (SOISS) and Ross Sea region (RSRMPA) MPAs (CMs 91-03 and 91-05). Some Members expressed disappointment that the proposal did not achieve consensus, as the proposal would provide clarity of transshipment prohibitions that are contained in other conservation measures. Uruguay reiterated its support for the EU's proposal, highlighting the importance to control the movement of products at sea.

3.14 The Commission noted the consideration by SCIC of New Zealand's proposal to revise CM 10-09 (CCAMLR-38/28). The USA highlighted the important role transshipment plays in IUU activities and that the proposed changes would lead to improved access to data and

transparency in transshipment activities. The Commission welcomed the adoption of amendments proposed by New Zealand to the transshipment measure (CM 10-09).

3.15 ASOC emphasised that transshipment is a global problem and that CCAMLR could take a number of actions on the issue, such as preventing NCPs from being authorised to tranship, requiring the use of a standardised declaration form, requiring vessel monitoring system (VMS) reporting during transshipments and requiring observer coverage as discussed in CCAMLR-38/BG/46.

3.16 The Commission noted the consideration by SCIC of the joint proposal from Argentina, Australia, the EU, Norway, Uruguay and the USA to amend CM 32-18. The proposed changes would require all fins to remain naturally attached to sharks that are caught and that cannot be released alive. The proponents emphasised the importance in their view of a fins-naturally-attached requirement for improving the enforceability of a finning ban and enhancing the accuracy of reporting shark species noting the limited amount of shark by-catch within CCAMLR.

3.17 China indicated that concerns of some Members over this proposal were expressed, including the scientific justification of the proposal and that no significant progress was made. China recalled Article IX.1 of the CAMLR Convention in relation to identifying conservation needs and analysing the effectiveness of conservation measures and the FAO international plan of action for the conservation and management of sharks which identifies the lack of available data and information as the main problem for conservation and management of sharks and agreed that measures should be taken for fisheries in which sharks constitute a significant by-catch. China suggested that the Commission request that the Scientific Committee provide advice on shark by-catch in the Convention Area to provide scientific basis for possible further discussion over this issue.

3.18 Japan, while indicating its strong opposition to the illegal ‘finning’, reiterated also its strong opposition to the proposal submitted to SCIC because of the lack of scientific justification and showed its disappointment on the continual use of the word ‘finning’ in a misleading manner. Japan noted that there have been very little quantities of shark by-catch in the Convention Area and it is mainly occurring within exclusive economic zones (EEZs) of some Member countries. Japan also noted that the practice of ‘finning’ had never been observed in the Convention Area. Japan would continue to oppose amendments to CM 32-18 introducing irrelevant practice without scientific justification while proposing to adopt the prohibition of illegal ‘finning’.

3.19 Other Members rejected the notion that the proposed amendments could be opposed based on a lack of scientific information, noting that any level of shark by-catch would support adoption of the changes to CM 32-18. The Commission noted that there had been valuable dialogue on the proposed revision of CM 32-18, but consensus could not be reached. The proponents noted the support for the proposal and committed to continue efforts to progress work on this issue.

3.20 The Commission noted that SCIC considered advice from the Chair of the Scientific Committee in respect of risk of bird strikes posed by net monitoring cables used on krill vessels with continuous trawl fishing systems, the process for managing quarantined data, how unidentified gear could impact on CCAMLR fisheries assessments and how historical performance of vessels is considered when assessing exploratory fishery research plans.

The Commission noted that the advice from the Chair of the Scientific Committee on these issues is addressed in the Scientific Committee report to the Commission (SCIC-2019 report, paragraphs 128 to 135).

3.21 The Commission noted the follow-up reports provided by Korea on the cases involving the *Hong Jin No. 701* and *Southern Ocean* which were submitted in response to the previous year's CCAMLR Compliance Report and recognised that no further action was required with respect to these two vessels (SCIC-2019 report, paragraphs 64 to 77).

3.22 Korea made the following statement:

'Korea would like to recall the Commission that Korea reported back to SCIC and the Commission about actions taken to strengthen our legal framework. We explained that the amendment to the national law to strengthen the administrative sanctions scheme was referred to the Plenary of the National Assembly. And it was passed by the National Assembly on 31 October. So, we are delighted to share this breaking news with the Commission. And it is all the more pleasant for us to show the Commission that we kept our word made last year to enhance our management system that will serve as an effective deterrent to IUU fishing activities. Distinguished delegations, it is our belief that there is no such a thing as a perfect system. However, what is important for us is to identify room for improvement, make efforts to improve without hesitation and get things done. And Korea will find a way, as we always have. As a responsible fishing nation and as a responsible CCAMLR Member, Korea will continue to cooperate with CCAMLR Members to prevent, deter and eliminate IUU fishing.'

3.23 The Commission and ASOC congratulated Korea on the outcome of actions taken to improve its ability to address IUU fishing and expressed appreciation for the detailed information provided by Korea throughout the process and welcomed further updates on these important mechanisms in the future.

3.24 The Commission noted Members' reports on the delayed removal of fishing gear after fishery closure. The Commission noted that investigations conducted by the relevant Members found that their flagged vessels followed all requirements laid out in CM 31-02, and in all cases the findings of the investigations concluded that no breach of CM 31-02 occurred, and no further action was required (SCIC-2019 report, paragraphs 97 and 98).

CCAMLR Compliance Report

3.25 The Commission considered the Provisional CCAMLR Compliance Report as presented in the SCIC-2019 report, Appendix I, in accordance with CM 10-10.

3.26 The Commission noted that SCIC had considered Members' compliance issues, responses, Members' actions and their suggested preliminary compliance status. The Commission noted that in the process of considering the Summary CCAMLR Compliance Report, SCIC did not reach consensus regarding the compliance status (non-compliance level 1 or 2) in two cases. In both cases it was agreed that the instances were non-compliant, and it was only whether the non-compliance was level 1 or level 2 which had not achieved a consensus view.

3.27 The Commission noted that this process should not set a precedent and that SCIC should work hard to avoid a repeat of this outcome in the future.

3.28 Many Members were of the view that CM 10-10 does not require consensus be reached on each reported instance and associated compliance status, only on the report as a whole.

3.29 Views differed between Members on the seriousness of the two non-compliant events, with Russia recalling that during the SCIC discussions, some Members considered that the issues under consideration, in particular transshipment in an MPA, could not be classified as minor non-compliance, regardless of the Flag State actions. Members were encouraged to reach consensus on compliance status in the spirit of cooperation.

3.30 Many Members observed that SCIC deliberations on the assignment of compliance status had been time consuming, disruptive and ineffective given the seriousness of other issues, and observed that many instances of non-compliance identified in the Summary CCAMLR Compliance Report are relatively minor. These Members emphasised the overall high level of compliance within CCAMLR and the role of the CCEP in promoting a positive compliance culture. Many Members noted that the CCEP is a critical mechanism for compliance, acknowledged the frank and open discussions that had occurred during SCIC and noted the integrity and utility of the compliance evaluation process.

Review of Conservation Measure (CM) 10-10

3.31 The Commission noted SCIC recommendations (SCIC-2019 report, paragraphs 99 to 103):

- (i) that CM 10-10 applies to all Parties to the Convention, including Acceding States, and that Acceding States will be considered in the CCEP for assessment for the 2019/20 season as a trial
- (ii) to amend the evaluation period contained in CM 10-10, paragraph 1(i), to the period from 1 July to 30 June
- (iii) to amend to CM 10-03 to provide an exception to the requirement that vessels be inspected within 48 hours when the vessel cannot be safely accessed by inspectors.

3.32 The Commission noted SCIC's consideration of the compliance evaluation mechanism under CM 10-10, particularly on the assignment of compliance status, on which some Members had expressed concerns that the current process loses sight of the objective to enhance compliance and promote effective implementation of the Convention and its conservation measures. Other Members indicated that a lack of assigned status would provide no indication of the seriousness of the compliance event.

3.33 The Commission noted SCIC's advice that there are broad interests in reviewing the mechanisms of compliance evaluation, and how the application of a compliance status is determined, but noted that SCIC could not reach consensus on particular recommendations to the Commission for amending CM 10-10, therefore recommended work be undertaken intersessionally by interested Members.

3.34 ASOC echoed the need for a productive and effective compliance procedure that did not discuss minor violations in greater detail than more serious breaches. ASOC thanked Members who participated constructively even when their vessels had violations, as this helped everyone improve. ASOC encouraged Members to keep this overarching goal of collective improvement in mind so that future discussions are more productive.

Illegal, unreported and unregulated (IUU) fishing in the Convention Area

3.35 The Commission noted SCIC's review of IUU fishing in the Convention Area (SCIC-2019 report, paragraphs 104 to 124).

3.36 The Commission noted that the number of IUU vessel sightings in the Convention Area had shown a steady decline over time with the last reported sighting in 2016.

3.37 The Commission noted the interim report submitted by INTERPOL in accordance with the Funding Agreement between CCAMLR and INTERPOL and encouraged continuing cooperation between CCAMLR and INTERPOL. The USA and New Zealand encouraged all Members who received invitations from INTERPOL for collaboration and engagement in Regional Investigative and Analytical Case Meetings to participate and engage in these meetings and with the INTERPOL Global Fisheries Crime Program to ensure effective action and control of Members' nationals and vessels, per obligations as Members of this Commission.

2017/18 pre-season fishing activities

3.38 The Commission noted the advice of SCIC with respect to Member reports on 2017/18 pre-season vessel activity in Subarea 88.1 (SCIC-2019 report, paragraphs 110 to 119).

3.39 Many Members noted the importance of developing clear guidelines for vessels for retrieval and handling of unidentified fishing gear in the Convention Area, including to whom fishing vessels should report or provide relevant data, from whom they should seek cooperation, whether they should contact boarding and inspection authorities or not and which country or Member is available for systematic investigation of the gear retrieved. The Commission also noted the guideline developed by the INTERPOL Technical Report on Fishing Gear Evidence Collection.

3.40 Many Members noted that further information was sought regarding the vessel *Palmer* in Russia's report, given the new information provided by New Zealand taken as part of the pre-departure inspection.

3.41 The Commission welcomed Russia's commitment to undertake further evaluation of the photographic materials and videos presented by New Zealand during the SCIC discussions. Some Members, while welcoming this commitment, invited Russia to include in its analysis further elements, as referred to in paragraph 119 of the SCIC-2019 report. Russia once more reiterated its commitment to conduct a thorough evaluation of further elements of paragraph 119 of the SCIC-2019 report, and in this regard welcomed the engagement of other Members and expressed gratitude for additional elements suggested by them that could prove useful in pursuing that goal. Russia counted on cooperation of other Members and the

Secretariat, if necessary and sought, in the process of conducting this exercise. The outcomes of such a review will be provided at the latest 45 days prior the next SCIC meeting.

3.42 ASOC considered this to be a very serious issue and thanked those Members who agreed to release relevant VMS data during the SCIC discussions about the gear found by the *Sunstar*, which was a positive contribution to CCAMLR's efforts to detect and prevent IUU fishing.

3.43 COLTO expressed disappointment that for two years, CCAMLR has been unable to resolve the issue of unidentified fishing gear found in the Ross Sea in 2017. COLTO urged Members to collaborate in resolving the issue, noting that COLTO members have provided details on the recovery of unidentified gear over many years and are dedicated to eliminating IUU activities. COLTO offered its members' operational knowledge to help any delegation with details surrounding gear identification, ice conditions and the bathymetry of the area in question which is a known fishing area.

NCP-IUU Vessel List

3.44 The Commission noted the advice of SCIC with respect to the NCP-IUU Vessel List (SCIC-2019 report, paragraphs 120 to 124 and Appendix II). The Commission noted there had been no additions to the NCP-IUU Vessel List and noted updated information on the current vessel details of the NCP-IUU listed *Hai Lung*, and updated the vessel details to reflect the current known name of the vessel as *Jinzhang*.

Fishery notifications, monitoring and closure procedures

3.45 The Commission noted fishery notifications received for exploratory fisheries for toothfish and established fisheries for krill for 2019/20, and that there had been no recommendation to change the fishery notifications (SCIC-2019 report, paragraphs 125 to 127).

3.46 The Commission noted SCICs consideration of the implementation of procedures to monitor and forecast closures in CCAMLR fisheries in the 2018/19 season, and the key challenges for the application of the procedures. Despite the challenges, the arrangement to manage all areas outside the RSRMPA under a single catch limit (CM 41-09 (2018), paragraph 2i) had worked well, delivering 98% of the catch limit (SCIC-2019 report, paragraph 127).

Administration and Finance

Advice from SCAF

4.1 The Chair of the Commission invited the Chair of SCAF, Mr Timokhin, to present the SCAF-2019 report (Annex 7).

4.2 The Commission endorsed the advice of SCAF in respect of the Audited Financial Statements (SCAF-2019 report, paragraph 2).

Executive Secretary's report

4.3 The Commission noted the Executive Secretary's report of the first-year implementation of the Secretariat's Strategic Plan (CCAMLR-38/05), noting particularly the significant progress on delivering the strategic themes of the Strategic Plan (2019–2022) (SCAF-2019 report, paragraphs 3 to 5).

4.4 The Commission endorsed the updated Staff Regulations, noting the changes adopted in the SCAF report (SCAF-2019 report, paragraphs 7 and 8).

4.5 The Commission endorsed the recommendation made by SCAF regarding dormant funds (SCAF-2019 report, paragraphs 27 to 35).

4.6 The EU, in noting the recommendation by SCAF to close the Enforcement Fund and use the remaining balance to support an INTERPOL IUU fishing workshop, highlighted its ongoing cooperation and support of INTERPOL, including through voluntary contributions to CCAMLR (SCAF-2019 report, paragraph 57).

4.7 The Commission endorsed preliminary funding of A\$20 000 from the General Fund to assist in the initial planning of the 40th anniversary of the Convention in 2021 and noted that the Secretariat should consult with Members with respect to proposals for these celebrations (SCAF-2019 report, paragraphs 64 and 65).

4.8 The Chair of SCAF advised that he would not be in a position to continue as Chair and that a new Chair should be found (SCAF-2019 report, paragraph 66).

4.9 The Commission commended Mr Timokhin on his excellent chairing of SCAF over the past two years and noted that it was unfortunate that he was not able to continue. It was stated that his leadership had greatly assisted towards obtaining excellent results relating to some important outstanding issues.

Sustainable Financing

4.10 The Chair of SCAF reported on the considerable amount of work undertaken by the Intersessional Correspondence Group on Sustainable Financing (ICG-SF) during the last intersessional period in reviewing and revising the formula for notification fees (SCAF-2019 report, paragraphs 9 to 16).

4.11 The Commission endorsed changes in notification fees recommended by SCAF to apply from the 2020/21 fishing season (SCAF-2019 report, paragraphs 12 to 16 and Appendix I). The Commission also endorsed the recommended changes to conservation measures necessary to implement these changes (SCAF-2019 report, paragraph 14).

4.12 The Commission complimented SCAF on the resolution of an issue that had been discussed for a number of years and thanked Members for their flexibility and collaboration in arriving at the new fee structure.

4.13 China observed that it is a complex issue to estimate the cost of managing fisheries. The Secretariat and Members spend large amounts of time processing the material and dealing with

the issues related to toothfish fisheries (SC-CAMLR-38, paragraph 4.15) and those costs, including time, facilities, etc., are not included in the cost estimate of managing toothfish fisheries.

4.14 China also noted that the notification fee for research fishery under CM 24-01 is charged on a proposal-based pattern, rather than on a vessel-based pattern and is not fully reflective of the fact, particularly for multi-vessel proposals, of the increased management burden of the Secretariat. It also noted that there is no scientific basis to reduce the notification fee for a single vessel proposal to half of the fee for non-krill new and exploratory fisheries.

4.15 It was noted that the ICG-SF would not need to meet during the intersessional period in 2020 (SCAF-2019 report, paragraph 15).

Review of the 2019 budget, 2020 budget and forecast budget for 2021

4.16 The Commission approved the revised 2019 budget, the 2020 budget as amended by SCAF and the forecast budget for 2021 (SCAF-2019 report, paragraphs 36 to 60).

Management of marine resources

Advice from the Scientific Committee

5.1 The Chair of the Scientific Committee, Dr Belchier, presented the report of the Scientific Committee (SC-CAMLR-38). He thanked all Members who had participated in the deliberations of the Scientific Committee and its expert working groups. He also thanked the Secretariat for its support in producing the report of the Scientific Committee that had not concluded its meeting until the early hours of Saturday morning.

5.2 The Commission noted the Scientific Committee's advice, recommendations and identification of research and data requirements, and thanked the Chair and the many scientists who had contributed to positive outcomes of the meeting. The Commission also thanked Dr Belchier and congratulated him on his chairing of the Scientific Committee for the past four years and for his provision of advice on ongoing discussions of issues in the Scientific Committee during the first week of the Commission.

5.3 The Commission recognised the importance of the Scientific Committee discussions remaining focused on science issues in order to provide scientifically objective advice to the Commission. The Commission encouraged all Members to send relevant experts to the meetings of the Commission and the Scientific Committee in order to continue the spirit of open discussion and engagement that has always been a strength of CCAMLR.

5.4 The Commission noted the challenges experienced during the adoption of the Scientific Committee report and recommended that a handbook of practice and procedures of the Scientific Committee might aid the development of a common understanding of the approach to report preparation and adoption.

Harvested species

Krill resources

5.5 The Commission noted the results from the report of the meeting of the Subgroup on Acoustic Survey and Analysis Methods (SG-ASAM) (held in Bergen, Norway, 26 to 30 August 2019) (SG-ASAM-2019 report), which advised that the krill biomass estimate from the 2019 Area 48 Survey was 62.6 million tonnes with a coefficient of variation (CV) of 13%.

5.6 The Commission noted that SG-ASAM will become a full Working Group – WG-ASAM – and that the Scientific Committee agreed to its terms of reference during the meeting (SC-CAMLR-38, Annex 8).

5.7 The Commission considered the deliberations of the Scientific Committee on krill resources, noting that in 2017/18 (1 December 2017 to 30 November 2018), 10 vessels fished in Subareas 48.1, 48.2 and 48.3 and Division 58.4.2, and the total catch of krill reported was 312 991 tonnes of which 151 691 tonnes, 137 879 tonnes, 23 175 tonnes and 246 tonnes were taken from Subareas 48.1, 48.2, 48.3 and Division 58.4.2 respectively. In 2018/19 (to 13 September 2019), 11 vessels fished in Subareas 48.1, 48.2, 48.3 and Division 58.4.2, and the total catch of krill reported in catch and effort reports as of 13 September 2019 was 381 934 tonnes of which 155 907 tonnes, 162 416 tonnes, 63 599 tonnes and 12 tonnes were taken from Subareas 48.1, 48.2, 48.3 and Division 58.4.2 respectively. Subarea 48.1 was closed on 13 July 2019.

5.8 The Commission noted that the catch in 2019 up to 13 September is the highest catch since the early 1990s, and that this season's catch in Area 48 (381 922 tonnes) is the third-highest in history (the highest was 425 871 tonnes in 1986). The catch in Subarea 48.2 has, for the first time, exceeded 50% of the catch limit for this subarea.

5.9 The Commission noted that, even though catches reached the vicinity of record levels in the last fishing season, the current management of krill ensured a precautionary management approach. The Commission, however, noted that the continuing increase in krill catches warranted a close monitoring of fishing operations in Area 48.

5.10 Russia stated that the precautionary catch limit in Area 48 is 5.61 million tonnes, and the trigger level of 620 000 tonnes, established here since 2007, is not related either to the state of krill resources or to the state of dependent predators. Therefore, in its view, the catches reached in Subareas 48.1 and 48.2 in the last fishing season in relation to its regional trigger levels do not appear to be critical.

5.11 China noted that Subarea 48.2 has historically been a very important area for the krill fishery but that recently the focus had shifted to Subarea 48.1. However, in 2018/19 the fishery has concentrated in Subarea 48.2 in the early part of the year as a result of the vessels avoiding fishing in Subarea 48.1 due to the voluntary closures of buffer zones implemented by ARK, resulting in a more balanced fishing across areas than in previous seasons.

5.12 The Commission noted that the current data reporting requirements are for monthly catch and effort reporting for Subarea 48.2 until catch reaches 80% of its trigger limit, at which point five-day reporting is required. Recognising the current voluntary provision of five-day

reports by the krill fishery, the Commission agreed that to improve fishery closure forecasting, there should be a change to CM 23-06 applying five-day reporting throughout all krill fisheries.

5.13 The Commission noted the discussions of the Scientific Committee relating to continuous trawl catch recording (SC-CAMLR-38, paragraphs 3.9 to 3.15) and the efforts made to clarify and standardise the approach to derive two-hour catches from vessels using the continuous fishing system.

5.14 The Commission approved the method to estimate two-hour catches as outlined in Annex 9 of the Scientific Committee report (SC-CAMLR-38).

5.15 China noted its appreciation for the clarification of the method to estimate catch for vessels using the continuous fishing system. Although this method of catch estimation was not available at the time of submitting fishery notifications in 2019, any Chinese vessel using the continuous fishing system will use the method as described in SC-CAMLR-38, Annex 9, in the 2019/20 fishing season.

5.16 The Commission noted the plans for a future krill ageing workshop (SC-CAMLR-38, paragraphs 3.16 and 3.17).

5.17 The Commission endorsed the advancement of the krill fishery management strategy agreed by the Scientific Committee (SC-CAMLR-38, paragraphs 3.18 to 3.45) that comprised three key priority elements:

- (i) a stock assessment to estimate precautionary harvest rates
- (ii) regular updates of biomass estimates, initially at the subarea scale, but potentially at multiple scales
- (iii) a risk assessment framework to inform the spatial allocation of catch.

5.18 The Commission noted the importance of the successful development of a krill fishery management strategy and its appreciation to all parties involved. The Commission agreed that there was a need to expedite development of the three elements in paragraph 5.17 because of the expiration of CM 51-07 at the end of the 2020/21 season, and that this would require, inter alia, focus topics during future working group meetings, and collaboration between Members and with bodies such as the SCAR Krill Action Group (SKAG) and ARK.

5.19 The Commission noted that successfully implementing the krill fishery management strategy within the current lifetime of CM 51-07 will be a significant challenge. It noted that CM 51-07 represents a precautionary safeguard whose status should be revisited during CCAMLR-40, at which time detailed consideration of its revision or replacement should be undertaken.

5.20 In SC-CAMLR-38/BG/22, ASOC noted that it supports the work conducted by the Working Group on Ecosystem Monitoring and Management (WG-EMM) scientists to develop and agree to a specific, attainable and timed action plan for the management of the krill fishery, prescribing scientific priorities needed to advance beyond CM 51-07 in time for its expiration in 2021. ASOC highlighted the need to organise a technical workshop to undertake a comprehensive review of the CCAMLR Ecosystem Monitoring Program (CEMP) given the

need to add information on krill-dependent cetaceans, pack-ice seals, and demographic groups other than adult penguins, in order to satisfy future needs for management of the krill fishery and for monitoring the proposed D1MPA.

5.21 ASOC introduced SC-CAMLR/BG/24, noting that the Second Performance Review (PR2) Panel had identified that CCAMLR should pay more attention to the relationship between krill and whales. ASOC identified a number of steps that CCAMLR should undertake to implement this recommendation, including working more closely with the IWC and considering foraging ecology data in the development of conservation measures. ASOC also highlighted that there were many cetacean research projects under way that could provide data relevant to CCAMLR.

5.22 China thanked ASOC for bringing several important issues to the attention of the Commission. China noted that the effect of the concentration of fishing effort requires the attention of WG-ASAM since recent studies have shown that acoustic densities in such situations have either remained constant or, in some cases, increased from the beginning of the fishing season to the closure of the fishery. China encouraged Members to submit acoustic data collected from krill fishing vessels to WG-ASAM for continued monitoring of this issue. In regard to the ecosystem approach to krill fishery management, China welcomed the marked increase in papers submitted to the Scientific Committee and its working groups relating to dependent species, including both penguins and whales. China thanked Oceanites for its important contribution by sharing its large penguin dataset with CCAMLR.

Fish resources

5.23 The Commission noted the discussion by the Scientific Committee on comparison between the CDS and the fine-scale catch and effort data (C2) for the 2017/18 and 2018/19 fishing seasons (CCAMLR-38/BG/11). Specific issues were identified in the reporting of subarea and species in *Dissostichus* Catch Documents (DCDs) which the Secretariat are working with Members to resolve.

5.24 The Commission noted that the requirements to report landings from subareas or divisions in CM 10-05, rather than the management areas specified in CM 41-09 (for Subarea 88.1 and small-scale research units (SSRUs) 882A–B), mean that it is currently not possible to use the CDS and fine-scale catch and effort data reconciliation process as a data quality input into the integrated assessment for toothfish in the Ross Sea region.

5.25 The Commission, at the request of the Scientific Committee, considered the proposal described in CCAMLR-XXXVII/22 to move the boundary between Subareas 88.1 and 88.2 from 170°W to 150°W in order to align the Subarea 88.1 with the boundary of the exploratory fishery, to allow for C2–CDS reconciliation in this area.

5.26 Many Members supported the boundary change proposal, noting that it would better align subareas with current toothfish stocks. However, some Members expressed concern over the proposal, noting that clearer recommendations on local biomass estimates and stock distribution were needed for SSRUs 882A–B prior to making changes to the subarea boundary.

5.27 The Commission could not reach consensus on the proposed boundary change. The Commission requested the Scientific Committee to provide advice to the Commission in 2020

on moving the boundary between Subareas 88.1 and 88.2 from 170°W to 150°W in order to align the Subarea 88.1 with the boundary of the exploratory fishery (SC-CAMLR-38, paragraph 3.59), taking into consideration reporting, data collection, stock assessment and C2–CDS reconciliation.

5.28 The Commission noted the Scientific Committee’s recommendation that due to the low rate of responses on the tagging survey conducted in 2019, the Scientific Committee recommended that Members notifying vessels under CMs 21-02 and 24-01 in 2020 be required to complete the tagging questionnaire as part of the notification process (SC-CAMLR-38, paragraph 4.12).

5.29 The Commission endorsed the Scientific Committee’s recommendation that all data collected on the *Calipso*, *Koreiz* and *Simeiz* from 2015 to 2018 be quarantined by the Secretariat, pending the outcomes of any evaluation by the Working Group on Statistics, Assessments and Modelling (WG-SAM) of the methods used to re-estimate the C2 data and the Working Group’s advice on the implications of those revisions on the work of the Scientific Committee. The Commission thanked Ukraine for undertaking to investigate the quarantined data.

5.30 The Commission welcomed the offer from COLTO to host a workshop on tagging procedures and use and calculation of conversion factors on fishing vessels (SC-CAMLR-38, paragraphs 4.8 to 4.10).

5.31 The Commission noted the recommendation by the Scientific Committee that a bridging analysis be used in all stock assessments to explore the effects of changes in the stock assessment due to updated data, revised parameter estimates and changes to model approaches since the last assessment model which has been used to provide catch advice.

5.32 The Commission endorsed the recommendation by the Scientific Committee that proponents of research plans submitted under CM 24-01 or in data-limited exploratory fisheries as specified in CM 21-02 provide a self-assessment of their research plan and submit this with their research plan for evaluation by WG-SAM and the Working Group on Fish Stock Assessment (WG-FSA) (SC-CAMLR-38, paragraph 4.15). The self-assessments would provide the working groups with a guide for evaluating whether research plans are consistent with CCAMLR’s objectives.

5.33 The Commission noted the recommendations from the Scientific Committee to reduce confusion regarding the status determination of several CCAMLR toothfish fisheries (SC-CAMLR-38, paragraphs 4.20 to 4.22). The Commission reflected that any changes to nomenclature of toothfish fisheries is a complex matter as it may result in a number of consequential amendments to conservation measures.

5.34 The Commission considered that clear guidance on fisheries nomenclature could assist the Scientific Committee in developing scientific advice for toothfish fisheries, however, the matter would require considerable examination by representatives of the Scientific Committee and the Commission. It recommended that the work be undertaken through an ICG coordinated by the Chairs of the Commission and Scientific Committee, which would review prior work on the regulatory framework and develop guidance on clarifying fishery nomenclature, taking into account the consequences of changes to fishery status (SC-CAMLR-38, paragraphs 4.20 to 4.22 and this report, paragraph 5.66).

5.35 The Commission noted that in 2018/19, 13 Members fished for Patagonian toothfish (*Dissostichus eleginoides*) and/or Antarctic toothfish (*D. mawsoni*) in Subareas 48.3, 48.4, 48.6, 58.6, 58.7, 88.1 and 88.2 and Divisions 58.5.1 and 58.5.2. Members also conducted research fishing for toothfish in the closed areas of Subareas 48.1, 48.2, and 88.3 and Division 58.4.4b. The reported total catch in the Convention Area of *D. eleginoides* to 13 September 2019 was 8 340 tonnes and that of *D. mawsoni* was 4 097 tonnes (SC-CAMLR-38/BG/01 Rev. 1).

5.36 The Commission noted that in 2018/19, two Members, the UK and Australia, targeted mackerel icefish (*Champsocephalus gunnari*) in Subarea 48.3 and Division 58.5.2 respectively (SC-CAMLR-38/BG/01 Rev. 1).

5.37 The Commission endorsed the advice of the Scientific Committee on catch limits for *C. gunnari* in Subarea 48.3 in 2019/20 and 2020/21 and Division 58.5.2 in 2019/20 and 2020/21 (SC-CAMLR-38, paragraphs 3.51 and 3.54).

5.38 The Commission endorsed the Scientific Committee's advice on catch limits for *D. eleginoides* in Subareas 48.3 and 48.4 and Division 58.5.2 in 2019/20 and 2020/21 (SC-CAMLR-38, paragraphs 3.73, 3.76 and 3.87) and for *D. mawsoni* in Subarea 48.4 in 2019/20 (SC-CAMLR-38, paragraph 3.78).

5.39 The Commission noted the advice of the Scientific Committee in respect of the fishery for *D. eleginoides* in the French EEZ of the Kerguelen Islands in Division 58.5.1, that a catch limit set by France of 5 200 tonnes, which accounted for depredation, for 2019/20 was consistent with the CCAMLR decision rules. As there was no new information available on the state of fish stocks in Division 58.5.1 outside areas of national jurisdiction, the prohibition of directed fishing for *D. eleginoides*, described in CM 32-02, will remain in force (SC-CAMLR-38, paragraphs 3.80 to 3.82).

5.40 The Commission noted the advice from the Scientific Committee in respect of the fishery for *D. eleginoides* at the Crozet Islands (Subarea 58.6 inside the French EEZ), that a catch limit set by France of 800 tonnes, which accounted for depredation, for 2019/20 was consistent with the CCAMLR decision rules. As there was no new information available on the state of fish stocks in Subarea 58.6 outside areas of national jurisdiction, the prohibition of directed fishing for *D. eleginoides*, described in CM 32-02, will remain in force (SC-CAMLR-38, paragraphs 3.90 and 3.91).

5.41 The Commission noted that no new information was available on the state of fish stocks in Subarea 58.7 and Division 58.4.4 outside areas of national jurisdiction and agreed to carry forward the prohibition of directed fishing for *D. eleginoides* in Subarea 58.7 and Division 58.4.4a outside areas of national jurisdiction and in Division 58.4.4b.

5.42 China recognised that that in several subareas and divisions, as no information was available outside of EEZ areas, a prohibition on fishing was enforced in the relevant conservation measures. China considered that the potential existence of the same stock both inside and outside areas of national jurisdiction was likely, and it would be useful to encourage further consideration for collecting information in the areas, for better scientific stock management.

5.43 The Commission endorsed the advice of the Scientific Committee on catch limits in exploratory fisheries and in association with fisheries research proposals in closed areas in

Subareas 48.1, 48.6 and 88.3, and in Division 58.4.4b. The Commission agreed to use the catch limits for these areas contained in Table 5 of SC-CAMLR-38 to assign catch limits for 2019/20.

5.44 The Commission noted the discussion of the Scientific Committee on exploratory fisheries in Divisions 58.4.1 and 58.4.2 (SC-CAMLR-38, paragraph 3.104 to 3.125). The Commission was unable to reach consensus on the research plan for the exploratory fishery in Division 58.4.1 for 2019/20. The Commission agreed to use the catch limit for Division 58.4.2, contained in Table 5 of SC-CAMLR-38, to set catch limits for Division 58.4.2 in 2019/20 and agreed that exploratory fishing in this division could proceed in 2019/20 as per CM 41-05.

5.45 The Commission acknowledged that due to the lack of consensus on research proposals in Division 58.4.1 the evaluations of the *Dissostichus* stocks in this area would be significantly impacted, which represented a considerable step backward with respect to research progress and would be very complex to fix.

5.46 Korea expressed its concerns that no exploratory fishery in Division 58.4.1 might cause both a vacancy in fishery management and disruption to scientific research and the Commission noted that a Korean-flagged fishing vessel had retrieved gillnets four times in Division 58.4.1 during the 2015–2017 period, clearly demonstrating that IUU fishing activities have been taking place. Korea considered that the lack of consensus on this fishery might result in further IUU fishing activities in Division 58.4.1.

5.47 The Commission requested the Scientific Committee explore ways to solve the issue of appropriate research methods for developing data-limited stock assessments in Division 58.4.1, including, where appropriate, seeking the advice from scientists and experts outside the CCAMLR community on an ad hoc basis in accordance with Rule 2 of the Rules of Procedure of the Scientific Committee.

5.48 The EU made the following statement:

‘The EU is very disappointed that CCAMLR was unable to reach consensus on the exploratory fishery in Division 58.4.1, particularly considering the amount of effort that the Scientific Committee and its working groups have expended to collaborate and find a common way forward. We have also tried our utmost here at the Commission to find a way for the differing positions on gear type to be tested. It is concerning that despite all this hard work over an entire year, there was no way to find consensus. We are concerned that we now find ourselves removed further from this goal by facing another year of disruption of this multinational endeavour, which had provided needed data and information for the sustainable management of toothfish in the region. The research plan prepared by scientists from the countries associated with this exploratory fishery has consistently received very good reviews by WG-FSA over the past years, including this year, and last week the Scientific Committee highlighted the high scientific merit of this plan. The research carried out to date has achieved its milestones with many papers presented to the working groups on this subject. The failure to reach consensus on this exploratory fishery may prevent the Scientific Committee from providing stock advice on toothfish in this region in the future. We therefore look forward to this research plan continuing in the future.’

5.49 France made the following statement:

‘Our Delegation regrets that the discussions on the research plan in Division 58.4.1 did not come to a successful conclusion.

They did not come to fruition because, despite the answers we have given our Russian colleagues in response to their concerns, they have apparently not succeeded in convincing them.

For the record, our colleagues from the Russian Federation were concerned about the impact the method used in the multi-Member research would have on the stock estimate. They consider that only one gear type should be used, that the sampling strategy should be modified to prospect more widely for potential toothfish habitat, and that the tag-recapture rate is not high enough.

We have responded to all these questions, we have demonstrated the suitability of our approach, and shown that this research plan is successful.

We have invited our Russian colleagues to participate in this research plan and to modify it in accordance with their recommendations in order to improve the method used.

Unfortunately, the proposals we have made have not been accepted. The issue of standardisation of fishing gear, understandable in a research fishery but not in an exploratory one, remains incomprehensible.

However, as we have already highlighted, the Ross Sea fishery, an exploratory fishery of the same type as the one in Division 58.4.1, uses for its stock assessments vessels deploying different types of fishing gear.

This situation does not seem to have any basis in logic.

We regret that this situation calls into question a program that has been proven to be successful in the past, and that the scientific accomplishments have been lost.

We regret that the considerable efforts and achievements that CCAMLR has made should be increasingly called into question.’

5.50 Many Members, including the co-proponents Australia, Korea and Spain, aligned themselves with the comments of the EU and France, noted the efforts of the Chair to help the Members find consensus on the exploratory fishery in Division 58.4.1 and expressed their disappointment that consensus could not be reached even though the Commission shares the same objective – to have a stock assessment in this exploratory fishery. Many Members considered resolution possible through collaboration and were optimistic that consensus on the proposal would be reached next year.

5.51 The Commission considered the discussion by the Scientific Committee on the management and forecasting of fishery closures in the exploratory fishery in the Ross Sea (SC-CAMLR-38, paragraph 3.131) and thanked the Secretariat for its work and support. The Commission recalled the fishery monitoring and closure forecasting procedures outlined in Annex 8.

5.52 The Commission noted that catch reallocation from the north of 70°S management area to the south of 70°S management area was designed to address the aim of not exceeding the overall catch limit in CM 41-09, and the required distribution of fishing effort to balance the impact of both under- and over-runs in the area north of 70°S in the Ross Sea region.

5.53 Russia drew attention to SC-CAMLR-38/12 and noted that, in its view, the redistribution of catch between the north of 70°S management area to the south of 70°S management area when there is a significant under-catch is not consistent with CM 41-09, paragraph 2(i).

5.54 The Commission considered that any catch redistribution from the north of 70°S management area to the south of 70°S management area could be inconsistent with the provisions of CM 91-05, paragraph 28, which specifies fixed catch limits for all areas both within and outside the RSRMPA for the 2017/18, 2018/19 and 2019/20 fishing seasons. The Commission requested that the Scientific Committee provide advice in 2020 on the application of a catch redistribution mechanism from the 2020/21 fishing season, as part of the required advice on how the total catch limit should be applied to the Ross Sea region in accordance with CM 91-05, paragraph 29.

5.55 The Commission endorsed the recommendation of the Scientific Committee that the catch limits in Subarea 88.1 and SSRUs 882A–B for the 2019/20 season be 3 140 tonnes with 426 tonnes allocated to the special research zone (SRZ), 597 tonnes north of 70°S, and 2 072 tonnes south of 70°S (SC-CAMLR-38, Table 6, Method 2).

5.56 The Commission noted the update from New Zealand that the 2019 winter survey was recently completed and recalled that the catch from this survey that was conducted in 2018/19 should be deducted from the Ross Sea catch limit north of 70°S for the 2019/20 season (CCAMLR-XXXVII, paragraph 5.48).

5.57 The Commission endorsed the advice of the Scientific Committee that the catch limit for the Ross Sea shelf survey be set at 45 tonnes for the 2019/20 season (SC-CAMLR-38, Table 5).

5.58 The Commission noted that most Members of the Scientific Committee favoured the option that was consistent with previous recommendations to allocate the shelf survey catch as applied in the 2017/18 and 2018/19 seasons, where the shelf survey catch was removed from the total catch limit for the Ross Sea fishery (SC-CAMLR-38, paragraphs 3.138 to 3.140). However, an agreement was reached for the 2019/20 season to allocate the shelf survey catch from the SRZ catch limit. Some Members noted that in accordance with CM 91-05 there is no provision for the catch limit for the general protection zone (GPZ) in the RSRMPA. The Commission requested the Scientific Committee to provide advice to the Commission in 2020 on how future research catch in the GPZ be allocated.

5.59 The Commission considered a proposed research program by Russia in the SRZ and noted the recommendations from the Scientific Committee regarding the sampling design of the program and the requirement for both vessels to conduct electronic monitoring during the survey (SC-CAMLR-38, paragraphs 4.50 to 4.57).

5.60 The Commission could not reach consensus on the Russian research proposal in the SRZ and encouraged the proponents to engage with other interested Members to develop a proposal that would allow the research to proceed in the future.

5.61 The Commission reflected that the decision-making process surrounding the allocation of catch in Subarea 88.1 and SSRUs 882A–B for the 2019/20 season raised concerns surrounding the use of best available scientific information.

5.62 The Commission noted the Scientific Committee's advice (SC-CAMLR-38, paragraph 3.142) that the areas covered by SSRUs 882C–H should be included with the other data-limited areas listed in CM 21-02, paragraph 6(iii), for future notifications. Some Members did not agree and, as such, there was no consensus.

5.63 The Commission endorsed the advice from the Scientific Committee that the catch limits for target and by-catch in Subarea 88.2 be revised based on the trend analysis rules and noted that these catch limits are contained in Table 5 of SC-CAMLR-38.

5.64 The Commission provided the following clarification of the fishery notification and research proposal review process such that:

- (i) new proposals submitted either under CM 21-02 or CM 24-01, paragraph 3, would be submitted by 1 June and reviewed by WG-SAM
- (ii) continuing research in closed areas submitted under CM 24-01, paragraph 3, would be limited to three years. After review by both WG-SAM and WG-FSA in the first year, they would be reviewed by WG-FSA in the next two years. The notification process should include a tick box to indicate that the research is continuing
- (iii) continuing research in exploratory fisheries submitted under CM 21-02 would be reviewed by both WG-SAM and WG-FSA in the first year and by WG-FSA every other year thereafter, unless otherwise specified. The notification process should include a tick box to indicate that the research is continuing
- (iv) the Commission noted the advice of the Scientific Committee that there was a low risk associated with reviewing continuing research in exploratory fisheries every second year as opposed to annually, given the processes it had developed over the last few years to review research and setting catch limits.

Other resources

5.65 The Commission considered the discussion by the Scientific Committee (SC-CAMLR-38, paragraphs 4.62 to 4.67) on the results of the research conducted on crabs in accordance with CM 24-01, undertaken by Russia in Subareas 88.2 and 88.3 during March 2019, and noted that the research had limited success due to constraints caused by sea-ice conditions. The Commission further noted that there was no intention to continue the research on crabs for the 2019/20 season, and that further analyses of the results from the initial pilot study would be presented to the relevant working groups in 2020.

5.66 The Commission noted the discussion by the Scientific Committee regarding whether future potential research on crabs in Subareas 88.2 and 88.3 should be conducted under CM 24-01, or be considered as a new fishery under CM 21-01, given the limited data available on these species to date. The Commission agreed that the ICG considering the CCAMLR

regulatory framework (see paragraph 5.34) would discuss this matter in the context of new fishery proposals, including the notification process and requirements relating to research plans.

New fisheries

5.67 The Commission noted that there were no proposals for new fisheries in the Convention Area. It was further noted that there had been no new fisheries since 2001, and that the approach for considering proposals for new fisheries, including the appropriate procedures for notification and submission of research plans, would be considered by the ICG examining the regulatory framework (paragraph 5.66).

Non-target species

Fish and invertebrates

5.68 The Commission recalled its agreement at its 2018 meeting (CCAMLR-XXXVII, paragraph 5.68) to conduct a second focused tagging program for skates and endorsed the recommendation of the Scientific Committee (SC-CAMLR-38, paragraph 5.5) that the focused tagging program be conducted in 2019/20 and 2020/21 in the Ross Sea region, as part of the exploratory fishery under CM 41-09. It noted that the intent of this tagging program is to investigate the biomass, distribution and sustainability of skate by-catch in toothfish fisheries.

5.69 The Commission agreed that in Subareas 88.1 and SSRUs 882A–B during the 2019/20 and 2020/21 seasons, all live skates up to 15 per line shall be tagged in accordance with the CCAMLR Tagging Protocol. The Commission agreed to an exemption from the specific requirements of the CCAMLR Tagging Protocol referred to in CM 41-01, Annex 41-01/C, paragraph (vi) such that: (i) more than 15 skates per line may be tagged (ii) skates with a low probability of survival may be tagged with the requirement that the condition of the skate is recorded along with the tag number.

Seabirds and marine mammals

5.70 The Commission considered the discussion of the Scientific Committee in respect of the incidental mortality of seabirds and marine mammals, noting that for CCAMLR longline fisheries, the 103 seabirds estimated killed in the 2018/19 season was the third-lowest mortality figure on record. Additionally, there were two seal mortalities reported in 2018/19 CCAMLR longline fisheries. For trawl fisheries, three seabirds and three seals had been killed through interactions with fishing gear in krill fisheries (SC-CAMLR-38, paragraphs 5.17 and 5.18).

5.71 The Commission endorsed the Scientific Committee's advice on the requirement for a one-season trial to be conducted on all krill vessels using a continuous trawling system with net monitoring cables paired with the trawl warp (as described in SC-CAMLR-38/18), in order to monitor and mitigate potential interactions with seabirds. The conditions for the trial are detailed in SC-CAMLR-38, paragraph 5.14, with all required seabird mitigation measures determined by ACAP best-practice guidelines.

5.72 The Commission noted that this trial would require a derogation from the requirement of CM 25-03, paragraph 1, similar to the amendment provided for a trial conducted in 2016 (CCAMLR-XXXV, paragraph 8.17), for all continuous trawling systems used in krill fisheries to allow evaluation of the details of bird strikes on the continuous trawling system and the effectiveness of the mitigation device used for the net monitoring cable rigging in continuous trawling systems.

5.73 The Commission looked forward to considering the Scientific Committee's advice on the outcomes of the trial at CCAMLR-39.

5.74 Norway reaffirmed its commitment to seabird protection, noting that in addition to CCAMLR, Norway is a Party to the Antarctic Treaty and ACAP. Norway welcomed the Scientific Committee's advice and recommendations on conducting the trial and undertook to present an initial report to WG-FSA-2020, with a full report of the trial, including detailed analysis of potential seabird impacts, to be presented to WG-FSA-2021.

5.75 The Commission noted the conclusion of three season-extension trials in the longline fishery for *D. eleginoides* in Division 58.5.2 and endorsed the Scientific Committee's advice that the specifications of the longline fishing season remain unchanged in CM 41-08 and also endorsed the advice that there should no longer be a requirement for any vessel to demonstrate full compliance with CM 25-02 in the previous season to access the season extension, noting Australia will continue to apply a high standard of seabird mitigation (SC-CAMLR-38, paragraphs 5.24 and 5.25).

Marine debris

5.76 The Commission noted the discussions by the Scientific Committee on marine debris (SC-CAMLR-38, paragraphs 5.35 to 5.43) and welcomed the formation of an ICG on Marine Debris (ICG-MD) to consider the objectives of the CCAMLR marine debris program.

Bottom fishing and vulnerable marine ecosystems

5.77 The Commission noted the Scientific Committee's deliberations regarding bottom fishing and vulnerable marine ecosystems (VMEs), in particular the need to review the implementation of CMs 22-06 and 22-07, to establish a review of CCAMLR VME protocols and bottom fishing impacts and to consider: (i) the use of video camera observations of fishing gear on the seabed, or to monitor captures of VME indicator taxa during hauling, and (ii) engaging with taxonomic and benthic experts from outside CCAMLR to assist with VME indicator taxa identification.

5.78 The Commission endorsed the Scientific Committee's recommendations to establish an e-group to facilitate the implementation of the VME work plan outlined in Table 12 of the WG-FSA-2019 report and that a focus topic on non-target species that would include VME questions be considered by WG-FSA-2020.

Scientific research under CM 24-01

5.79 The Commission considered the recommendation by the Scientific Committee that by-catch limits for research fishing in Subarea 48.1 (SC-CAMLR-38, paragraph 4.28), Division 58.4.4b (SC-CAMLR-38, paragraph 4.37) and Subarea 88.3 (SC-CAMLR-38, paragraph 4.61) should be set at 16% of the research catch limit for *Dissostichus* spp. in each subarea or division. The Commission clarified that the 16% applies to *Macrourus* and to *Other species*, and that the catch limit for by-catch of skates and rays is 5% of the research catch limit for *Dissostichus* spp. in each subarea or division, to be consistent with CM 33-03.

Spatial management

Antarctic Specially Protected Area (ASP)

6.1 The Commission considered the discussion by the Scientific Committee (SC-CAMLR-38, paragraphs 6.1 to 6.3) on the Rosenthal Islands and agreed to give its prior approval to the draft management plan for a new Antarctic Specially Protected Area (ASP) in this area.

6.2 The Commission congratulated China, Italy and Korea on the progress made on their proposal for a draft management plan for a new ASP on Inexpressible Island and noted the scientific value of this area. Many Members noted the proposed ASP is in the Ross Sea and within the GPZ of the RSRMPA, and that it would be complementary to ongoing and planned research and monitoring activities in the RSRMPA.

6.3 The Commission considered the discussion by the Scientific Committee (SC-CAMLR-38, paragraphs 6.4 to 6.10) on Inexpressible Island and agreed to give its prior approval to the draft management plan for a new ASP in this area.

6.4 Most Members encouraged ongoing work and discussion with the ATCM and CEP on Antarctic Specially Managed Areas (ASMAs) and ASPs, including identifying links to and harmonising, as relevant, the management plans of managed or protected areas that occur within CCAMLR MPAs, with the provisions and research and monitoring plans (RMPs) of those MPAs.

6.5 The Commission thanked Ukraine for its commitment to design and establish an ASP in the Argentine Islands and noted its appreciation that the proponents intend to harmonise the ASP with the D1MPA (SC-CAMLR-38, paragraphs 6.11 and 6.12).

Special Areas for Scientific Study

6.6 The Commission considered CCAMLR-38/20, submitted by the EU and its member States, which proposes to designate a newly exposed marine area adjacent to the Pine Island Glacier, located in Subarea 88.3, as a stage 2 Special Area for Scientific Study in accordance with CM 24-04. The Commission noted that in May 2019, the UK notified all Members that the area of the Pine Island Glacier had reduced by 15.1% since 2017, thus meeting the criteria for designation of a Special Area for Scientific Study set out in paragraph 2 of CM 24-04 (COMM CIRCs 19/53 and 19/58). The stage 1 area entered into force on 1 June 2019.

6.7 The Commission further considered the discussion by the Scientific Committee on this proposal (SC-CAMLR-38, paragraphs 6.13 to 6.19) noting that a substantial area of new seabed had been exposed by the recent calving events at the Pine Island Glacier and agreeing that it is an area of significant scientific value.

6.8 Several Members drew attention to the Intergovernmental Panel on Climate Change (IPCC) [Special Report](#) on the Ocean and Cryosphere in a Changing Climate (SROCC), highlighting that the west Antarctic ice sheet is rapidly losing mass, and that the Pine Island Glacier is the single-largest contributor to this loss, and subsequently to global sea level rise.

6.9 Some Members stated that further scientific information would be useful. They highlighted that urgent research was needed in this newly exposed area to obtain scientific information on the ecosystem to maximise the scientific value and encouraged Members to organise and conduct scientific research activities in this regard.

6.10 Those Members noted that stage 1 has already provided protection in line with CM 24-04, to enable more scientific information be collected for the review by the Scientific Committee.

6.11 Most Members considered that all of the information required under the provisions of CM 24-04 for this area to proceed to a stage 2 designation has been provided. They noted that the 10-year stage 2 designation period is considered to be the minimum time needed for scientific activities in Antarctica to be designed, organised and funded, and that no fishing activities currently occur in this area.

6.12 The Commission recalled that the intention of CM 24-04 is to facilitate the development of research on the potential change of the exposed ecosystem in response to ice loss events such as has occurred at Pine Island Glacier. The Commission noted that there was no requirement in CM 24-04 for a research plan to be implemented before a stage 2 Special Area is adopted.

6.13 The Commission welcomed the information provided in CCAMLR-38/20 on the extent and characteristics of the Special Area in accordance with CM 24-04 and noted that it could be useful to consider further information on:

- (i) available data on the dynamics of glacial change in the Pine Island Glacier region, including visual presentation where relevant
- (ii) potential research questions that could be addressed in the Special Area, including in relation to the effects of climate change on ecosystem processes
- (iii) summaries of relevant research referenced in CCAMLR-38/20
- (iv) planning for potential future research, including ecosystem-related research, in the Special Area.

6.14 The Commission looked forward to the consideration of this additional information by the Scientific Committee and its working groups with a view to proceeding towards the designation of a stage 2 Special Area for Scientific Study in due course.

Review of existing marine protected areas (MPAs)

Process for the development of MPAs

6.15 Russia presented CCAMLR-38/30, concerning the procedural aspects of the designation of MPAs and suggested that a regulated and unified process to assist in developing the rationale for the establishment of any MPA was necessary. Russia recalled that there is currently no agreed international definition of an MPA as a key element for establishing the legal basis for the Commission's activities with regard to the designation of such areas in the CCAMLR area. Neither the Convention, nor CM 91-04, contain such a definition. Russia noted that CM 91-04 is brief and does not contain enough procedural and implementation measures to manage a unified process for designating MPAs. Russia provided proposals for a regulated and unified process for developing the establishment of any effective MPA in the CCAMLR area, namely: (i) The Scientific Committee and Commission to endorse for mandatory implementation an MPA checklist based on one previously proposed by Japan (CCAMLR-XXXIV/19) as a basis for determining a unified approach and criteria for designating MPAs in the Convention Area. This MPA checklist could be approved as Annex 1 to CM 91-04; (ii) Develop clear, transparent and measurable criteria and indicators of the performance of the RMP and efficiency of MPA; (iii) Add the following paragraph to CM 91-04: 'MPAs may be designated on the basis of the best available data, which must be sufficient to provide a scientific rationale for designating an MPA in a specific area'; (iv) Develop an agreed definition of the term 'MPA', which may be designated in the CAMLR Convention Area, without prejudice to the provisions of the UN Convention on the Law of the Sea 1982. Russia further informed the Commission that it has progressed work intersessionally on this issue and has distributed a proposal that provides a suggested definition of an MPA and outlined potential changes to CM 91-04. Russia encouraged Members to consider different options for focusing discussions on this matter.

6.16 Some Members echoed Russia's concern regarding the absence of unified criteria for the establishment of MPAs and supported the suggestion to modify CM 91-04 to include a framework for the establishment of MPAs as an appendix.

6.17 Many Members expressed concern over the suggestion that 'sufficient' scientific evidence was required in order to establish MPAs, noting that any decision, or the development of any process or framework, must be balanced and based on the best available science as outlined in Resolution 31/XXVIII. The EU and its member States noted that only scientists with adequate scientific credentials should attend the Scientific Committee to ensure that any discussions are purely scientific-based.

6.18 Some Members expressed their willingness to participate in intersessional discussions on this matter, however, any participation would be on the understanding that CM 91-04 was currently comprehensive and did not require modification.

6.19 Many Members noted that MPAs provide opportunities for collaboration and recalled the agreement to adopt a representative system of MPAs by 2012, noting that there are MPA proposals tabled to the Scientific Committee and/or Commission each year that are open for any Member to join as co-proponents, and recommended that those Members with concerns relating to the process for developing MPAs or RMPs contribute to these proposals.

Development of research and monitoring plans (RMPs) for CCAMLR MPAs

6.20 The Commission considered the Scientific Committee's discussions of SC-CAMLR-38/20. China indicated that the aim of the paper was to ensure the transparency of all RMPs and to provide a guiding framework for all Members participating in the development of RMPs and their future review on a scientific basis. In addition to elements that have been discussed in the Scientific Committee (SC-CAMLR-38, paragraphs 6.28 to 6.33), China highlighted the relationship between RMPs and MPAs. RMPs will provide scientific evidence for review and assessment of MPAs and a mechanism for adaptive management. In its view, the question on the relation between RMPs and their MPAs has its root in the different emphasis attached by Members to MPAs, the number of MPAs established vis-a-vis the effectiveness of MPAs. Considering various views expressed and many papers submitted, China suggested that more time or a special meeting be devoted to this important issue.

6.21 The Commission considered SC-CAMLR-38/11 Rev. 1 which presented Russia's proposals on the requirements for developing RMPs for MPAs. Russia noted that the proposals reflect Russia's position regarding the establishment of MPAs put forward at CCAMLR meetings (SC-CAMLR-XXXVII/18; SC-CAMLR-XXXVII/19; WS-SM-18/10) and included the development of a unified approach to the development and operation of RMPs as an annex to CM 91-04. Russia suggested that these proposals should be considered as part of an intersessional discussion that could be undertaken to consider MPAs more broadly, noting that the suggestion for the focus of these discussions would differ from the previous year's proposal, which only considered RMPs.

6.22 Many Members noted that the purpose of a research and monitoring plan is not to establish the conditions for the implementation of an MPA, but rather to develop a plan for the conduct of scientific effort after an MPA has been established. Many Members expressed frustration over this discussion, highlighting that RMPs are scientifically based documents developed to support the future organisation and implementation of scientific monitoring and effort, and should not be considered as controversial.

6.23 The Commission considered the discussions by the Scientific Committee on RMPs (SC-CAMLR-38, paragraphs 6.28 to 6.33) and agreed that creating opportunities during the intersessional period to communicate and reach a common understanding and a common ground is a constructive way forward. However, the Commission could not reach an agreement on the precise modalities for these discussions and welcomed further consideration intersessionally on suggested approaches to progress the work on MPAs and RMPs.

6.24 ASOC thanked China and Russia for their papers on the development of RMPs and reminded the Commission that the S20 group of scientists, comprised of the heads of national academies of science of the G20, including many CCAMLR Members, has strongly endorsed fully and highly protected MPAs as an important tool to protect ocean ecosystems and enhance climate resilience. ASOC concluded that CCAMLR must consider the risk posed to its scientific credibility by focusing only on RMPs instead of swiftly adopting additional MPAs.

Review of existing MPAs

South Orkney Islands southern shelf MPA

6.25 The EU and its member States presented CCAMLR-38/22 on the review of the SOISS MPA, which was informed by the results of research and monitoring and assessments presented in CCAMLR-38/BG/20, and considered that the scientific basis for protection of the SOISS MPA remain as described in CM 91-03. The proponents noted the volume of research that has been conducted in support of the SOISS MPA and recommended that CM 91-03 should be maintained in its current form until the next MPA review in 2024. The proponents further outlined the research and monitoring requirements set out in the updated RMP (CCAMLR-38/24), based on the draft initially proposed in 2014 (SC-CAMLR-XXXIII/11) and revised in 2018 (SC-CAMLR-XXXVII/09), which highlights the value of this area for ongoing scientific study in the context of wider research needs in the Scotia Sea region, and suggested that the proposed RMP be adopted at this meeting.

6.26 Russia noted that after a 10-year period of the SOISS MPA's existence, this MPA still does not have an RMP approved by the Scientific Committee and the Commission, including measurable criteria and indicators of the performance of the MPA. Therefore, Russia considered it not possible to implement the recommendation by the Scientific Committee that the review in 2019 should aim to provide scientific advice on the extent to which the objectives of the SOISS MPA were being met (SC-CAMLR-XXXVII, paragraph 6.21). Russia recalled that the report for the first period of the SOISS MPA (2009–2014) and this second period 2015–2019 was not adopted by the Scientific Committee and Commission, and the relevant recommendation on the SOISS MPA status was not provided, taking into account paragraph 9 of CM 91-03. Russia highlighted that the scientific and legal issues of the SOISS MPA's existence required to be justified. As for the draft RMP for the SOISS MPA (CCAMLR-38/24), Russia noted that this document should be brought into line with CM 91-04, and required further discussion in the context of objectives, criteria and indicators for the performance of the RMP and efficiency of the MPA. In particular, the proposed key indicators (number of breeding pairs of Adelie penguins, estimates of krill density and biomass, variability in remotely sensed sea-ice) are not sufficient to monitor changes in the structure and function of the ecosystem within the SOISS MPA. Russia further noted that similar research and monitoring activities carried out previously did not require the establishment of MPAs.

6.27 China recalled that the review of the SOISS MPA would aim to provide scientific advice on the extent to which the objectives of the SOISS MPA would be met according to the request of the Scientific Committee (CCAMLR-XXXVII, paragraph 6.5), and noted that in its view due to the limited number of biological indicators for biodiversity monitoring, scarce scientific data and lack of systematic scientific research within the MPA in the past 10 years, the Scientific Committee was unable to evaluate whether the objective of the MPA has been met. China encouraged Members to recall the expected outcome of this MPA when it was adopted in 2009 and draw lessons from past experience in order to develop a successful RMP.

6.28 The Commission recalled that the SOISS MPA (CM 91-03) was the first MPA adopted by CCAMLR and noted that this year marks the 10-year anniversary of adoption. Many Members considered this an important milestone for CCAMLR, noting that the SOISS MPA has been contributing to the conservation of marine biodiversity since 2009, and underscored the importance of collaborative scientific research for the development and implementation of

MPAs. Those Members noted that in their view the SOISS MPA was achieving its objectives as a scientific reference area and contributing to the conservation of marine biodiversity in accordance with CM 91-03.

6.29 There was no consensus in the Commission to endorse the review of the SOISS MPA due this year under CM 91-03. As a consequence, CM 91-03 will remain in its current form until the next review due in 2024.

6.30 Many delegations thanked those who undertook work to support the review of the SOISS MPA and noted that the regular reviews and reports provide valuable data for monitoring changes in the ecosystem.

6.31 The Commission recalled that CM 91-03 was designated before the general framework for the establishment of CCAMLR MPAs was adopted and agreed in CM 91-04. Many Members noted that there is no requirement for an RMP for the SOISS MPA. Those Members noted that despite this, the RMP had been developed in order to harmonise the framework for established and future MPAs, recalling the request made by the Commission in 2018 (CCAMLR-XXXVII, paragraphs 6.4 and 6.5).

6.32 Two Members expressed their concerns that the draft SOISS RMP did not include scientifically based monitoring indicators and indices for measuring the extent to which the objectives of the MPA are being achieved and suggested that more systematic research and monitoring work inside the MPA is required in order to develop these indicators. These Members recalled the voluntary commitment made in 2014 by the EU and its member States to harmonise CM 91-03 and CM 91-04 before the 2019 review (CCAMLR-XXXIII, paragraph 5.88), and strong interest expressed by Members last year (CCAMLR-XXXVII, paragraph 6.4), these Members further noted that the scientific and legal aspects of the SOISS MPA should be made consistent with CM 91-04.

6.33 Many Members, whilst noting that an RMP was not a requirement of CM 91-03, expressed their disappointment that the SOISS MPA RMP could not be adopted at this meeting and highlighted that this is a CCAMLR MPA and as such, any Members expressing concerns related to the RMP are encouraged to engage in research and monitoring activities related to the SOISS MPA.

Ross Sea region (RSR) MPA RMP

6.34 The Commission noted discussions by the Scientific Committee on the RSRMPA RMP (SC-CAMLR-38, paragraphs 6.43 to 6.47) and recalled that the RSRMPA RMP, as endorsed by the Scientific Committee at its meeting in 2017, is intended to be a living document that should be regularly reviewed and updated as appropriate and that:

- (i) as far as possible, additional baseline data on indicators of the status and structure of the Antarctic marine ecosystem relevant to the objectives of the RSRMPA should be added to the RMP
- (ii) additional work would be undertaken to link baseline data and indicators to the specific objectives of the RSRMPA within the geographic locations listed in CM 91-05, Annex 91-05/B (SC-CAMLR-XXXVII, paragraph 6.6).

6.35 China presented SC-CAMLR-38/21 which presented its proposals to improve the draft RMP for the RSRMPA. In addition to the discussion within the Scientific Committee (SC-CAMLR-38, paragraphs 6.43 and 6.44), China indicated that, in its view, the discussions of the last two years prove that Members in principle agreed on the importance of an RMP for the RSRMPA and agreed specifically on the need of baseline data, indicators and standards for data collection, and on the linkage of baseline data and indicators to the specific objectives; while endorsing the draft RMP, the Scientific Committee had agreed that updates needed to be made to the draft RMP respectively in 2017 and 2018. China encouraged that the draft RSRMPA RMP be updated and set a good precedent for other MPAs that follow.

6.36 New Zealand emphasised that the RMP for the RSRMPA has already been agreed by the Scientific Committee and that it is an open and transparent framework to which all Members can contribute and, as a living document, it can be amended at any time. Accordingly, New Zealand, supported by many Members, urged the Commission to adopt the RSRMPA RMP at this meeting. New Zealand further noted that the RMP is already being used by many Members to guide their research in the RSRMPA. New Zealand acknowledged the contribution to the discussion by other Members on the topic of RMPs, and suggested that the Commission request the Scientific Committee to conduct intersessional work to: (i) foster science collaboration under RMPs; (ii) consider implementation of RMPs; and (iii) consider frameworks for RMPs that preserve their unique characteristics and support the timely adoption of future RMPs.

6.37 The USA noted that the RSRMPA RMP has been adopted by the Scientific Committee and that research and monitoring to promote the objectives of the MPA are underway under the auspices of numerous Antarctic science programs. In the view of the USA, RMPs are a valuable tool to coordinate and assist scientists in their work. The USA was disappointed that some Members did not support adoption of the RMP by the Commission this year. However, it is pleased that research proceeds within the RSRMPA by CCAMLR Members regardless of the status of the RMP. Nevertheless, in its view, those Members who stand in the way of adoption of the RMP will be responsible for any possible lack of progress once the MPA's five-year reviews by the Scientific Committee are conducted.

6.38 Russia noted that the RSRMPA RMP should be considered as part of the general discussions on MPAs, and that until there is agreement and common understanding on the framework and implementation of RMPs, the RSRMPA RMP could not be adopted.

6.39 Many Members noted that the RSRMPA RMP has been well conceived, with a solid scientific basis that will improve knowledge of the Ross Sea region while supporting the objectives of the MPA and expressed disappointment that it could not be adopted at this meeting.

6.40 ASOC introduced CCAMLR-38/BG/44, highlighting the global climate and biodiversity crisis, and that MPAs were a proven solution to protect biodiversity and build climate resilience. ASOC noted that, despite some achievements in the past decade, CCAMLR was failing on the adoption of a system of MPAs and encouraged Members to revive the spirit of collaboration of the Antarctic Treaty to overcome this. ASOC observed that enhancing marine protection, including through a system of large-scale permanent MPAs inclusive of no-take zones, would be a significant contribution of CCAMLR to the future.

Review of proposals for new MPAs

East Antarctica

6.41 The Delegations of the EU and its member States and Australia presented a revised conservation measure for an EAMPA (CCAMLR-38/21) that was first presented to the Commission in 2012. These delegations clarified that the draft conservation measure was modelled on the format for the RSR MPA (CM 91-05) to provide greater clarity and legal certainty. They noted that the proposal had incorporated feedback from other Members, was based on best available science and had benefitted from continued data collection by Members.

6.42 Russia presented CCAMLR-38/BG/31 that had also been presented as CCAMLR-XXXVII/BG/24 and noted that the proposal and comments in CCAMLR-XXXVII/BG/24 had not been included in the proposal in CCAMLR-38/BG/31. Russia noted questions related to the boundaries, goals and objectives of the EAMPA proposal had not been addressed. It also noted that each of the areas in the proposal should be managed by individual conservation measures rather than being included in a single measure for the entire East Antarctic. Given the continued existence of its previous concerns in the proposal, Russia was not able to support the current proposal.

6.43 China noted that, in its view, the paucity of data in the East Antarctic sector was impeding progress in the development of the EAMPA and introduced SC-CAMLR-38/BG/53 that described China's intention to conduct marine research and assessment in East Antarctica with the launch of its second icebreaker *Xue Long 2* to facilitate the understanding and conservation of the marine living resources in the East Antarctic sector. China noted that new data had been obtained by other Members since 2013, and that this new provision of data and increased international collaboration will improve the delivery of the science required to support CCAMLR objectives.

6.44 Australia noted that it valued China's ongoing engagement with Australia in East Antarctica, including on the EAMPA proposal through SC-CAMLR-38/BG/53. Australia also welcomed China's plans to undertake research in East Antarctica and the potential future development of an MPA proposal in accordance with the objective and principle of the Convention. It was noted by Australia that such research could play an important role in contributing to the implementation of the EAMPA, including its RMP, when adopted.

6.45 The EU and its member States made the following statement:

'The EU and its member States would like to thank those Members that have expressed their support for our proposal to establish a Marine Protected Area (MPA) in East Antarctica. It is clear that our efforts to improve the MPA proposal have been widely appreciated, in particular the updated presentation modelled on the format for the Ross Sea region MPA, adapted to the context of the East Antarctic region, and the streamlining of a number of general provisions. Our proposal also includes the priority elements for a Research and Monitoring Plan (RMP) required under Conservation Measure 91-04. The East Antarctic MPA would make a significant contribution to CCAMLR's objective of establishing a representative system of MPAs in the Convention Area, and to achieving the UN Sustainable Development Goals (SDG), in particular SDG14.

We are grateful to the Chair for his willingness to explore ways to progress discussions on our proposal. Despite our best efforts, the Chair's initiatives and wide support for our proposal, Members could again not reach consensus. This is an unsatisfactory outcome in view of the importance of conservation for CCAMLR as an organisation. The lack of consensus is all the more disappointing considering that the Scientific Committee recognised already in 2013 that the proposal is based on the best available science. The Scientific Committee also noted at its meeting this year that extensive scientific research efforts have been going on in the East Antarctic region for over 60 years. The EU and its Member States consider that this research should continue.

The Commission has at its disposal all the elements it needs to adopt the proposal on the basis of current Conservation Measure 91-04, which sets out a robust and wholly adequate framework for designating MPAs. Although RMPs are important tools to help ensure that MPAs achieve their objectives, they are not a precondition for adopting MPAs and, as such, they are being accorded disproportionate importance by some Members to the detriment of other more important aspects of the MPA proposals. The EU and its member States remain open to engage intersessionally with those Members that continue to have concerns about our East Antarctic MPA proposal and call on them to engage constructively with us to progress the proposal in view of its adoption at CCAMLR's next annual meeting.'

6.46 Australia thanked its co-proponents for their presentation of the EAMPA proposal. Australia noted it continues to strongly support the establishment of a representative system of MPAs in the CCAMLR area. Australia noted that this is a commitment the Commission has collectively made, and the EAMPA is an integral part of that representative system. Australia noted that the proposal is based on best available science, and underpinned by decades of scientific research, as noted again this year by the Scientific Committee. Australia confirmed that, in its view, the EAMPA proposal is mature, and has been for several years, and should be adopted by the Commission.

Weddell Sea MPA (Domains 3 and 4)

6.47 The Delegations of the EU and its member States and Norway presented a proposal to establish an MPA in the Weddell Sea region (CCAMLR-38/23). These delegations described the two phases of the proposal with phase 1 focused on the establishment of an MPA area in Domain 3 and the western parts of Domain 4 and phase 2 that will extend the WSMPA across the Domain 4 region. They clarified that there was no automaticity to phase 2. The aim was to provide a coherent outcome overall. Norway recalled the discussion at CCAMLR-XXXVII (paragraphs 6.29 to 6.33) and expressed its pleasure at being able to co-sponsor the revised two-phase proposal that had maintained the objectives and rationale of the original proposal for a WSMPA.

6.48 Russia introduced CCAMLR-38/33 outlining the need for a proposal for an MPA in the Weddell Sea to be complemented by information on the commercial potential and future rational use for dominant fish species and krill and to manage areas for fishing activity and protection areas in the Weddell Sea by separate conservation measures. Russia also identified difficulties of successful completion of assigned research tasks in designated areas in the

Weddell Sea because of the restrictions on vessel navigation caused by sea-ice conditions (CCAMLR-38/BG/32). It noted that spatial planning in the Weddell Sea should ensure that ice-free areas are included in the areas designated for fishing activities in the MPA.

6.49 China presented SC-CAMLR-38/BG/15 in which it set out its observations and comments on the scientific basis for the WSPMA proposal, including a draft RMP, and with reference to a discussion in the Scientific Committee as referred to in SC-CAMLR-XXXVI, paragraph 5.8, reiterating points previously raised by China regarding scientific issues that remain to be addressed in the WSPMA proposal, including an analysis on the mechanism and extent of the potential threats to Antarctic marine living resources, and therefore China considered further work is still needed to be done in the Scientific Committee.

6.50 The EU and its member States made the following statement:

‘Building on substantial intersessional work, the EU and its member States proposed, together with Norway, that CCAMLR adopt a Marine Protected Area across the Weddell Sea region (WSMPA) in two phases (WSMPA Phase 1 and WSMPA Phase 2) and that it approve our proposal for WSMPA Phase 1 at its 2019 annual meeting. WSMPA Phase 1 is ready for adoption and focuses on establishing an MPA in Domain 3 and the western parts of Domain 4. WSMPA Phase 2, which we intend to submit to the Commission in three to four years, would extend the WSMPA across the Domain 4 region.

We thank those Members who have supported our proposal. We also thank those Members who could not join consensus for their feedback. While the outcome of this year’s discussions is disappointing, we remain fully committed to establishing an MPA across the Weddell Sea region as a crucial component in developing a representative system of CCAMLR MPAs. We recall that in 2016, the Scientific Committee considered that the science underlying our proposal reflected best available science. The EU and its member States stand ready to continue to engage constructively with all Members, in particular those who did not support our proposal, to bring us closer to consensus. Our cooperation with Norway regarding the Weddell Sea region demonstrates our willingness to address Members’ concerns and serves as an example of how Members can work together in an open and transparent manner to progress CCAMLR’s important conservation work.’

Antarctic Peninsula region MPA in Domain 1 (D1MPA)

6.51 Argentina and Chile introduced the revised version of the proposal of an MPA in Domain 1 (D1MPA). The new model incorporates, as far as possible, the concerns and observations received during the past intersessional period. This new model protects important components of the ecosystem of the Antarctic Peninsula, provides a safeguard to comply with Article II of the Convention, and allows for the redistribution of the krill fishery, seeking to minimise its spatio-temporal concentration. Argentina and Chile noted that the Scientific Committee welcomed the modifications, without objecting to the fundamental tenets of the model. However, some outstanding issues were mentioned at the Scientific Committee meeting which correspond to the Commission:

- (i) Changes in the GPZ (SC-CAMLR-38, paragraph 6.52). The proponents indicated that the changes in the GPZ in northwest Antarctic Peninsula and southwest Antarctic Peninsula were needed to meet the requirements imposed by the method approved by the Commission to delineate MPAs with the current information and scientific knowledge available.
- (ii) With regard to how the regulation of the fishing activity will be carried out within the MPA (SC-CAMLR-38, paragraphs 6.53, 6.54 and 6.57), the proponents clarified that this should be solved by the Commission through its conservation measures, in particular CM 51-07 or the one that replaces it.
- (iii) Considerations were made about indicators (SC-CAMLR-38, paragraph 6.54). The proponents indicated that the same indicator species singled out for the fishing management strategy will be used (WG-EMM-2019, Table 7). In other words, the indicator species and the base information that is valid for a new fishing strategy must be valid for the MPA. For example, the Scientific Committee requested to include the data layers of the MPA proposal in the development of risk analyses for the new fisheries management strategy. Argentina and Chile expressed concern that indicator and base information may be considered sufficient to allow for fisheries development, but not for conservation purposes.

6.52 The proponents stressed that MPAs in the Convention Area are presented by some Members who, as proponents, conduct and guide the collective work of Members in the elaboration of a proposal; but, ultimately, their approval, implementation and the subsequent development of their RMP is the result of the commitment, joint work and responsibility of all the Members of the Commission. Chile and Argentina valued the work undertaken during the intersessional period, in the working groups, in the D1MPA Expert Group e-group, and the conversations held with several Members. Argentina and Chile reiterated their commitment to the generation of an open, transparent and inclusive MPA proposal.

6.53 The Commission noted the valuable work that had been carried out intersessionally through the D1MPA Expert Group e-group that had been implemented specifically to facilitate best practice in the implementation of science and scientific collaboration.

6.54 Argentina stated that both Argentina and Chile have appreciated all of the constructive engagement with other Members during the intersessional period, which has allowed for the presentation of a revised and updated proposal for the D1MPA. It further noted their disappointment that the proposal could not be adopted and that general intersessional work could not be agreed to. Nonetheless, Argentina also recalled that an Expert Group for the D1MPA was already operating and once again invited those Members who have not done so, to engage constructively in this e-group, so as to be able to achieve progress at the next meeting of the Commission.

6.55 Argentina recalled paragraph 6.57 of the SC-CAMLR-38 report and noted that any further arising difficulties can be addressed intersessionally either with Argentina and Chile directly as co-proponents, or through the D1MPA Expert Group e-Group or in the appropriate Scientific Committee working groups.

General discussion

6.56 China recalled its concerns expressed at the Scientific Committee (SC-CAMLR-38, paragraph 6.57) and made the following statement:

‘China believes that CAMLR Convention serves our interests by conserving Antarctic marine living resources, and conservation includes rational use. We support a balanced and scientifically based managing framework.

It is the 10th anniversary of our first MPA in the CAMLR Convention Area. In the past decade, CCAMLR has made great progress and played a leading role in the establishment of MPAs. We have the South Orkney Southern Shelf MPA as the first MPA, and the RSRMPA as the largest MPA. In parallel with this process, we left many issues behind us. For example, as an integrated component of the MPAs, the Research and Monitoring Plan (RMP) and review issues were raised during the discussion of the South Orkney MPA from the very beginning, regrettably it is still an unresolved issue today. We have spent most of our time in the discussion and consideration on specific MPA proposals, while we have not enough time to have a focused in-depth discussion of some very important, fundamental issues.

MPAs are tools and not objectives in their own. Many practical and policy issues associated with establishing MPAs necessitate a pace allowing a well weighted pragmatic approach to decision-making, with a hasty approach may be detrimental to the purpose. CCAMLR’s leading role should be represented by the quality of the MPAs designated, in order to give effect to the objective and principles of the Convention, rather than the speed, number and size of MPAs. In the 10th anniversary of our first MPA, we strongly feel that it is the right time for all CCAMLR Members to take stock, to draw experience and lessons from our past practice, and to build common ground to facilitate future progress.

It is always China’s position to cooperate and collaborate with other countries to work together, not only in the implementation of the MPAs once they are established, but also in the design, development, and consideration of the MPA proposals because the MPAs are common undertaking of all Members. Many papers submitted this year and proposals are on the table. China welcomes these efforts and is prepared to join transparent and serious discussion. Antarctic oceans and marine life matter to us all and it will take everyone together to make sure they are healthy and sustainable in perpetuity.’

6.57 The USA confirmed that it supports all three major current MPA proposals now before the Commission. It noted that those proposals reflect best available science and should be established without further delay.

6.58 Many other Members also supported the three proposals, which they considered consistent with the objective of the Convention and recognised that some areas of the Convention Area require greater levels of protection. Those Members recalled that the Commission had endorsed the use of the best available science in order that the Commission can be dynamic and responsive when developing management approaches to achieve the objective of the Convention.

6.59 South Africa made the following statement:

‘The South African delegation has been following the discussions about Marine Protected Areas (MPAs) with keen interest. Perhaps it is important to state from the very onset that the Delegation of South Africa fully supports the establishment of MPAs in the Convention Area. However, looking at the developments in this meeting, i.e. CCAMLR-38, we could not help but observe the vastly different opinions about the key aspects of the MPAs and the process of declaring them. Committed as every Member of CCAMLR towards the development of MPAs may be, the process of declaring MPAs seems to be a major factor that is blocking progress. In our view, it is not that there are Members who are against the establishment of MPAs in the Convention Area, but rather some aspects of the process in declaring MPAs. We are not convinced that there will ever be any meaningful progress, or at best breakthrough, without an agreement on the framework or CCAMLR universally acceptable MPA framework. Our view is that an opportunity for a collective, intensive discussion platform as was proposed by the Delegation of the Russian Federation, is not only necessary but the best option at our disposal. In addition, it will not at all be a new subject given the fact that in 2015 Japan proposed a checklist as a guide for declaring MPAs, and as CCAMLR we established an ICG whose work was never fully supported or endorsed. Therefore, the South African Delegation humbly implores all Members of CCAMLR to consider dedicating some time during the intersessional period on how best we can expedite this matter for a further discussion in CCAMLR-39. It may not yield results in the first or second year, but beyond the point of agreeing on the “CCAMLR MPAs development framework,” the South African Delegation is convinced that as CCAMLR we will progress expeditiously towards what is expected of us with regard to MPAs.’

CCAMLR Scheme of International Scientific Observation

7.1 The Commission thanked China for offering to host a three-day krill fishery observer workshop in Shanghai in 2020, to improve krill sampling protocols and priorities for data collection (SC-CAMLR-38, paragraphs 8.3 to 8.6). The Commission encouraged interested Members and ARK to attend.

7.2 The Commission noted a proposal by the USA to use the existing Scheme of International Scientific Observation e-group for gathering online resources relating to the health and safety of scientific observers, for potential inclusion on the section of the CCAMLR website entitled ‘Information for Technical Coordinators and Scientific Observers’.

7.3 The EU encouraged the Secretariat and Members to develop online educational resources, similar to massive open online courses used for academic training, that could be used for training of CCAMLR Scheme of International Scientific Observation (SISO) observers.

Impacts of climate change on the conservation of Antarctic marine living resources

8.1 The Commission noted the Scientific Committee’s deliberations regarding the potential impacts of climate change on the conservation of Antarctic marine living resources. Discussion focussed on the role of krill in ocean biogeochemistry as contributors to the Southern Ocean

carbon sink via faecal pellet egestion, fish stock productivity and information provided by SCAR (SC-CAMLR-38/BG/10) on projected trends in emperor penguin populations (SC-CAMLR-38, paragraphs 9.1 to 9.5 and 9.9).

8.2 The UK presented CCAMLR-38/01, synthesising scientific information on what impact a 1.5°C global warming scenario would have on the Antarctic Peninsula. While outlining differences between the west and the east of the Peninsula, the paper also identified likely changes in ocean conditions such as the warming of circumpolar deep water and its rise within the water column, reductions in sea-ice, thinning of ice shelves and changes in marine ecosystem composition and distribution.

8.3 The UK recommended that the Commission consider the predictions of what a 1.5°C global-average temperature rise above pre-industrial levels means for the Antarctic Peninsula region, based on current scientific understanding, and what implications these predictions have for CCAMLR. Furthermore, noting that in 2020 SCAR will be conducting a substantive decadal review of the original 2009 Antarctic Climate Change and the Environment (ACCE) report, the UK suggested that CCAMLR make time in the schedule of the first week of CCAMLR-39 to invite SCAR to present this report to the Commission and the Scientific Committee.

8.4 FAO presented CCAMLR-38/BG/51 synthesising the impact of climate change in the upper 2 000 m of the deep ocean on selected VMEs, fish and fisheries. The paper identified key challenges in addressing these impacts, such as the mismatch between the spatial scales of climate models and those of VME areas, the failure of climate models to account for the non-linear response of ecosystems resulting from the combination of stressors and species interactions, the scarcity of long-term climate observations in the deep ocean needed to verify models (particularly on the seafloor in areas where VMEs occur), and the limited availability of oxygen and other biogeochemical sensors on Argo floats and other platforms. The paper concluded that an integrated oceanographic–ecological approach was essential to predict ecosystem response to climate change at the depths of concern to deep-sea fisheries and VMEs and that adaptive management approaches were required in the context of climate change.

8.5 The Commission thanked the UK and FAO for their important presentations and welcomed the UK's suggestion to invite SCAR to present a summary of its decadal review of the ACCE report during plenary of the first week of CCAMLR-39. SCAR indicated that it would be very pleased to deliver an overview lecture.

8.6 In response to the UK's presentation, Argentina noted the particular importance of climate change impacts on the Antarctic Peninsula within the context of its joint proposal with Chile for an MPA in that area.

8.7 The EU noted the importance of the consideration of the impacts of climate change on the deep sea and the need for CCAMLR to establish management approaches accounting for the entire water column.

8.8 China welcomed these important presentations and discussions and highlighted the need for an objective assessment of the effects of climate change on Antarctic marine living resources and reaffirmed China's engagement on this subject by noting its adherence to the [Paris Agreement](#).

8.9 Japan and China noted that while being variable, the sea-surface temperature in the Antarctica Peninsula region showed no increasing trend in the last 40 years based on WG-EMM-2019/39 and recalled WG-EMM-2019's note that warming may not have occurred in some regions (e.g. Subareas 48.1 and 48.2) during recent decades, but that variability and unpredictability of environmental conditions are likely to increase across all regions (WG-EMM-2019 report, paragraph 6.33).

8.10 SCAR presented an update on the ACCE Group (SC-CAMLR-38/BG/17). This paper included a discussion of climate-related impacts on life history and population dynamics of long-lived seabirds (e.g. black-browed albatross), breeding failures of Adélie penguins, growth of Antarctic krill, poleward contraction of Antarctic krill distribution and contraction of lanternfish distribution. Further, SCAR highlighted the growing body of evidence that glacier retreat has been linked to warming at the Antarctic Peninsula, particularly in the middle of the Peninsula where ocean temperatures have been related to forcing of glacier retreat. Finally, SCAR called attention to the recent evidence presented in the IPCC SROCC which is in agreement with the information presented in the ACCE update.

8.11 The Commission noted the importance of climate change considerations in its procedures and the suggestions by many Members for an increased inclusion of its implications in its management approaches.

8.12 The Commission noted the IPCC SROCC as well as the work carried by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES).

8.13 Belgium and the UK recalled Resolution 30/XXVIII on climate change, noting that, in their opinion, it was timely to update the resolution, given the publication of the SROCC.

8.14 While many Members agreed with the suggestion to update Resolution 30/XXVIII, the Commission noted that discussions on the margins did not result in an agreement.

8.15 The EU and its member States made the following statement:

'The European Union and its member States wish to reiterate their firm commitment to addressing the global challenges that we are facing due to climate change. In this respect, we welcome the IPCC Special Report on the Ocean and Cryosphere in a Changing Climate. We also want to express our appreciation for the work conducted by the IPCC in compiling and analysing the best available science on climate change and its effects on the environment and society. We commend the IPCC's comprehensive, objective and transparent approach, which makes the IPCC the most authoritative voice on the science of climate change.

The EU and its Member States are deeply concerned by the scientific findings of the IPCC, which demonstrate the extreme urgency of strengthening the global response to climate change. We also want to underline that climate change, biodiversity loss and ocean degradation and depletion are strongly interconnected. In this sense, we also welcome the IPBES Global Assessment Report on Biodiversity and Ecosystem Services.

The scientific findings of the Special Report on the Ocean and the Cryosphere in a Changing Climate, contribute in a concrete way to our understanding of how climate

change is affecting oceans and their ecosystems, including in the Southern Ocean and the polar regions. We emphasise that the alarming findings and response options of the report should be given immediate and serious consideration, with a view to future action in the near term.

CCAMLR as part of the Antarctic Treaty System has an important role to play in this. Hence, CCAMLR should take responsibility and encourage the commitment of all CCAMLR Parties to actively contribute towards relevant science initiatives, such as the appropriate SCAR and SCOR programs and groups, the Southern Ocean Observing System (SOOS) and the Integrating Climate and Ecosystem Dynamics in the Southern Ocean (ICED) program which will contribute information needed to inform CCAMLR decision-making in order to achieve the objectives of the CAMLR Convention.

In view of these developments, CCAMLR should consider whether there is a need to update CCAMLR Resolution 30/XXVIII.’

8.16 Many Members strongly supported this intervention.

8.17 ASOC thanked CCAMLR Members for calling attention to the issue of climate change and regretted that the resolution could not be agreed. ASOC noted that all sectors must take action on climate change, and to that end, ASOC announced that it would be partnering with Austral Fisheries, a COLTO member, in the intersessional period. ASOC and Austral Fisheries planned to collaborate on a project that would: estimate the carbon footprint of the annual CCAMLR meeting, contribute to the meaningful offsetting of the projected emissions from CCAMLR-39 based on this estimate, and provide a paper and presentation to CCAMLR-39 to explain how the emissions were calculated and how the offset was chosen.

8.18 ASOC introduced CCAMLR-38/BG/56, which emphasised the seriousness of the climate and biodiversity crises. ASOC noted that the recent IPCC SROCC contains important information on climate change in polar regions and concluded that taking action now can reduce climate change impacts in the Southern Ocean. ASOC noted that CCAMLR had not been able to agree on significant actions with respect to climate change in recent years, and that this was out of step with the urgency of the issue, which has motivated millions of people around the world to demand action. ASOC noted that its paper includes recommendations that CCAMLR fulfil its responsibility to protect the Southern Ocean by completing the planned system of MPAs, enacting a climate response plan and committing to climate research.

8.19 Oceanites reported (SC-CAMLR-38/BG/11) that it continues to monitor the notable warming trend in the western Antarctic Peninsula through penguin and penguin population changes. The goal has been to study and assist other Antarctic scientists with the challenging task of distinguishing the direct and interactive effects of climate change, fishing, tourism and national operations on Antarctic ecosystems, with a particular focus on the management of the Antarctic Peninsula. This work involves reliance not only on Oceanites’ 25-year-old Antarctic Site Inventory project, but especially on its Mapping Application for Penguin Populations and Projected Dynamics (MAPPPD) database, found at penguinmap.com, which is guided forward through fishing industry and stakeholder partnerships. The MAPPPD database covers all five breeding penguin species and now involves 3 736 records from 116 different data sources.

8.20 Australia supported the view of other Members that the Commission had a role to play within global efforts to address climate change and recalled paragraph 8.4 of last year’s report

(CCAMLR-XXXVII), indicating that voluntary summaries of the implications of climate change, based on best-available scientific knowledge, could be useful if included in Commission and Scientific Committee working papers and Fishery Reports. Australia welcomed the climate change implication statements included in some working papers submitted to this meeting and encouraged Members to continue to do this for future meetings.

Conservation measures

Review of existing measures

9.1 The conservation measures drafting group had met during the meeting to consider and prepare conservation measures and resolutions for the Commission's consideration. The Commission expressed its appreciation to Mr Moronuki for his highly professional chairing of the conservation measures drafting group. Mr Moronuki thanked the Secretariat, interpreters and all participants in the conservation measures drafting group for their hard work and engagement.

9.2 The Commission's consideration of revised and new conservation measures and resolutions, and related matters, is reported in this section. Conservation measures and resolutions adopted at CCAMLR-38 will be published in the *Schedule of Conservation Measures in Force 2019/20*.

9.3 The Commission agreed that the following conservation measures and resolutions will remain in force in 2019/20:

Measures on compliance

10-01 (2014), 10-02 (2016), 10-04 (2018), 10-05 (2018), 10-06 (2016), 10-07 (2016) and 10-08 (2017).

Measures on general fishery matters

22-01 (1986), 22-02 (1984), 22-03 (1990), 22-04 (2010), 22-05 (2008), 22-07 (2013), 22-08 (2009), 22-09 (2012), 23-01 (2016), 23-02 (2016), 23-03 (2016), 23-04 (2016), 23-05 (2000), 23-07 (2016), 24-02 (2014), 24-04 (2017) and 25-02 (2018).

Measures on fishery regulation

31-01 (1986), 31-02 (2007), 32-01 (2001), 32-02 (2017), 32-18 (2006), 33-01 (1995), 51-01 (2010), 51-02 (2008), 51-03 (2008) and 51-07 (2016).

Measures on protected areas

91-01 (2004), 91-02 (2012), 91-03 (2009), 91-04 (2011) and 91-05 (2016).

Resolutions

7/IX, 10/XII, 14/XIX, 15/XXII, 16/XIX, 17/XX, 18/XXI, 19/XXI, 20/XXII, 22/XXV, 23/XXIII, 25/XXV, 27/XXVII, 28/XXVII, 29/XXVIII, 30/XXVIII, 31/XXVIII, 32/XXIX, 33/XXX, 34/XXXI and 35/XXXIV.

9.4 The Commission adopted the following revised conservation measures:

Revised measures on compliance

10-03 (2019), 10-09 (2019) and 10-10 (2019).

Revised measures on general fishery matters

21-01 (2019), 21-02 (2019), 21-03 (2019), 22-06 (2019), 23-06 (2019), 24-01 (2019) and 24-05 (2019).

Revised measures on fishery regulation

25-03 (2019), 26-01 (2019), 32-09 (2019), 33-02 (2019), 33-03 (2019), 41-01 (2019), 41-02 (2019), 41-03 (2019), 41-04 (2019), 41-05 (2019), 41-06 (2019), 41-07 (2019), 41-08 (2019), 41-09 (2019), 41-10 (2019), 41-11 (2019), 42-01 (2019), 42-02 (2019) 51-04 (2019) and 51-06 (2019).

Implementation and Compliance

9.5 The Commission adopted revisions to:

- (i) CM 10-03 – to provide a safety-related exemption of the timing of vessel port inspections when vessels enter a port (paragraph 3.31(iii) and SCIC-2019 report, paragraphs 99 to 103)
- (ii) CM 10-09 – to improve the transparency on transshipment activities that take place in the CAMLR Convention Area (paragraphs 3.13 and 3.14)
- (iii) CM 10-10 – to amend the evaluation period for the CCEP (paragraphs 3.31 (i and ii), and 3.32 to 3.34).

General fishery matters

Revised measures on research and experiments

9.6 The Commission revised CM 21-01 (paragraph 12), CM 21-02 (paragraph 15), CM 21-03 (paragraph 10) and CM 24-01 (paragraph 6) to refer directly to the CCAMLR Notification Fees Procedure (SCAF-2019 report, Appendix I) and agreed to include this Procedure in the *Schedule of Conservation Measures in Force 2019/20*.

9.7 The Commission revised CM 21-02 and CM 24-01 to align the review process for research plans with the decision of the Commission in 2018 (CCAMLR-XXXVII, paragraph 5.30; this report, paragraph 5.64).

9.8 The Commission adopted CM 23-06 to require five-day reporting in all krill fisheries (paragraph 5.12).

9.9 The Commission noted the advice from the Scientific Committee on the conditions for trial use of a net monitoring cable on continuous trawl vessels in the krill fishery and revised

CM 25-03 to allow a derogation for one year from the prohibition on the use of net monitoring cables taking into account the deliberations in SC-CAMLR-38, paragraphs 5.6 to 5.15, and ensuring the conditions specified therein are met.

9.10 The Commission adopted CM 26-01 to extend the requirements for environmental protection while vessels are fishing in the Convention Area by prohibiting the discharge of plastics and expanding restrictions on the dumping and discharging of oil or fuel products or oily mixtures into the sea to the whole Convention Area in line with MARPOL.

9.11 South Africa and France welcomed the revision to CM 26-01 and noted that with regard to footnotes 1 and 2 of CM 26-01 that, as signatories to MARPOL, they abide by the provisions of that convention within their waters.

9.12 South Africa therefore views the exception in footnote 2 of CM 26-01 as being different in nature to other CCAMLR conservation measures in so far as they impact on South Africa's jurisdiction over its EEZ.

Toothfish catch limits

9.13 The Commission endorsed the advice of the Scientific Committee on catch limits in the fisheries for *D. eleginoides* in Subareas 48.3 and 48.4 and Division 58.5.2 and adopted CMs 41-02, 41-03 and 41-08 (2019).

9.14 The Commission considered the arrangements for exploratory fisheries for *D. mawsoni* in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1 and 58.4.2 and for *D. eleginoides* in Division 58.4.3a in 2019/20 and endorsed the Scientific Committee's advice on catch limits (SC-CAMLR-38, Table 5). The Commission adopted the following conservation measures for fisheries targeting *D. mawsoni* and/or *D. eleginoides*:

- CM 41-04 – exploratory fishery for *D. mawsoni* in Subarea 48.6
- CM 41-05 – exploratory fishery for *D. mawsoni* in Division 58.4.2
- CM 41-06 – exploratory fishery for *D. eleginoides* in Division 58.4.3a
- CM 41-07 – exploratory fishery for *D. mawsoni* in Division 58.4.3b
- CM 41-09 – exploratory fishery for *D. mawsoni* in Subarea 88.1
- CM 41-10 – exploratory fishery for *D. mawsoni* in Subarea 88.2
- CM 41-11 – exploratory fishery for *D. mawsoni* in Division 58.4.1.

9.15 The Commission agreed that directed fishing for *Dissostichus* spp. shall not take place in 2019/20 in Divisions 58.4.3a and 58.4.3b.

9.16 There was no consensus that directed fishing for *D. mawsoni* shall take place in 2019/20 in Division 58.4.1. Accordingly, the Commission adopted CM 41-11 which provides that directed fishing for *D. mawsoni* shall not take place in 2019/20 in Division 58.4.1.

Icefish catch limits

9.17 The Commission endorsed the Scientific Committee's advice on the limits for the fishery for *C. gunnari* in Subarea 48.3 and Division 58.5.2 and adopted CMs 42-01 and 42-02.

Other fishery matters

9.18 Australia advised the Commission that any fishing or fisheries research activities in that part of Divisions 58.4.3a, 58.4.3b and 58.5.2 that constitutes the Australian EEZ around the Australian Territory of Heard Island and McDonald Islands must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the Territory. Unauthorised or illegal fishing in these waters is a serious offence under Australian law. Australia seeks the assistance of other CCAMLR Members in ensuring their nationals and vessels are aware of the limits of the Australian EEZ and the need for prior permission to fish there. Australia has implemented strict controls to ensure that fishing in its EEZ occurs only on a sustainable basis. Presently, fishing concessions are fully subscribed and no further concessions for legal fishing in the EEZ are available. Australian legislation provides for large penalties for illegal fishing in Australia's EEZ, including the immediate forfeiture of foreign vessels found engaged in such activities. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority.

9.19 China thanked the Secretariat for its continued effort on putting all conservation measures into one single document. China noted that it would be much appreciated if a link between the title of the conservation measures in the table of contents to the actual text be established to facilitate quick reference to the conservation measures.

Implementation of Convention objectives

Objectives of the Convention

10.1 Chile reflected on the objectives of the Convention noting that despite initial uncertainty, CCAMLR has developed its ecosystem approach into an effective mechanism for realising the objective of the Convention. Chile reflected that now, as in the early 1980s, the application of the ecosystem approach to managing the krill fishery was of primary importance, with catches increasing and the need to consider their impact on other species. This is not easy, but the range of options available to CCAMLR, such as ecosystem management approaches and MPAs, as well as the use of the best available science, were important in delivering the objective.

10.2 The Commission noted that the 60th anniversary of the Antarctic Treaty is 1 December 2019. The Commission agreed that this was a good time to reflect, noting the importance of CCAMLR in the Antarctic Treaty System and that CCAMLR has a unique role to play that is clearly articulated in Article II of the Convention. The Commission reflected on CCAMLR's positive achievements, whilst noting the need to continue work to maintain CCAMLR's reputation as a world-leading organisation.

10.3 The Commission noted that it has responsibility for the conservation of Antarctic marine living resources, which includes rational use and sustainably managing fisheries, based on the best available science. The importance of this approach into the future was highlighted. The Commission also noted that understanding the effects of climate change in the Antarctic and implementing ecosystem-based management of fisheries to conserve Antarctic marine living resources, whilst recognising the role of rational use, through the use of all available tools, including a representative system of MPAs, was important in delivering the objective of the Convention.

10.4 Ukraine noted its view that CCAMLR activity falls within the scope of human activity in the Antarctic marine area aimed at ensuring the support and sustainable development of human civilisation on the planet. Thus, the achievement of conservation goals by the Commission is inextricably linked to humanity's rational and sustainable use of Antarctic marine living resources. In particular, the creation of a system of MPAs in Antarctica plays an important role in this. It was also noted that despite the strong link between conservation and rational use, as reflected in Article II of the Convention, the primary condition is to ensure conservation, and only then, when the limits of precautionary use have been defined, can the organisation of rational use in compliance with all precautions proceed.

10.5 The Commission welcomed the Prague Declaration made by the Antarctic Treaty Consultative Parties on 8 July 2019, which reaffirmed the Parties' commitment to the objectives and purposes of the Antarctic Treaty and other instruments of the Antarctic Treaty System.

10.6 Recognising the importance of this agenda item to the work of the Commission, the Commission agreed that it should be discussed in future earlier in its schedule.

Second Performance Review

10.7 The Chair invited the Executive Secretary to introduce the report on the progress of the recommendation of the PR2. The Executive Secretary referred delegates to CCAMLR-38/11 and relevant pages on the CCAMLR website.

10.8 The Chair of the Scientific Committee reported that many of the Committee's intersessional items related to the recommendations of the PR2, and that progress is being made in explicitly mapping these to the PR2 objectives in CCAMLR-38/11. The Commission also noted the deliberations of SCAF (SCAF-2019 report, paragraph 26) and SCIC (SCIC-2019 report, paragraphs 136 and 137) on PR2.

Capacity building

10.9 In 2018, the Commission established an ICG on Capacity Building (ICG-CB) with terms of reference given in CCAMLR-XXXVII, Annex 8. South Africa convened the ICG and hosted a Workshop in Cape Town in April 2019 (CCAMLR-38/06). The Workshop was supported with funding provided by Korea.

10.10 The Chair of SCAF reported that SCAF had reviewed the progress of the Workshop and the ICG and had developed administrative guidelines and schedules for putting into effect the recommendations of the Workshop, through the management of a General Capacity Building Fund (GCBF) (SCAF-2019 report, paragraphs 17 to 25 and Appendix II).

10.11 Following the advice of SCAF, the Commission agreed to establish a GCBF. It further endorsed the administrative guidelines recommended by SCAF and agreed to establish the GCBF and a panel for its oversight (SCAF-2019 report, Appendix II). The Commission approved a contribution to the Fund from the General Fund of A\$200 000 in 2020 and endorsed the proposal of SCAF to undertake further discussions for continuing sustainable funding next year (SCAF-2019 report, paragraphs 22 to 25 and Appendix II). The Commission appointed a

panel for the GCBF according to the terms of reference for the panel (Mr K. Krohg Bjørklund, Norway; Ms F. Harford, EU; Ms S. Langerock, Belgium; Ms A. Macdonald, New Zealand; Dr G. Milinevskiy, Ukraine; Mr Y. Mngxe, South Africa; Dr M. Santos, Argentina and Prof. G. Zhu, China).

10.12 Australia advised, with the establishment of the GCBF, a voluntary contribution of A\$30 000 would be made to the Fund.

10.13 The Chair of the Scientific Committee reported on considerations of capacity building in the Scientific Committee. These included extending the pilot program for the funding of conveners, the CCAMLR scientific scholarship scheme and supporting projects that increase analytical and research skills. The Commission approved the transfer of A\$200 000 to the General Science Capacity Fund from the General Fund recommended by SCAF (SCAF-2019 report, paragraph 47). The Chair of the Scientific Committee also welcomed the commitment by SCAF to investigate sustainable funding models for the General Science Capacity Fund and to work on the development of terms of reference for this Fund through an ICG in 2020 (SCAF-2019 report, paragraph 48).

10.14 The Commission also noted that three scholarship applications (Dr Emilce Rombolá, Argentina; Dr Jilda Caccavo, Germany; and Dr Xiaotao Yu, China) were received and approved for funding during the 2020–2021 period (SC-CAMLR-38, paragraphs 13.12 to 13.15). Several Members noted the importance of these scholarships to the development of early career scientists. The Commission agreed that scholarship funding should be extended to early career scientists from Acceding States as well as Members, provided that the recipients were sponsored by a mentor from a Member of CCAMLR.

10.15 The Commission emphasised the importance of capacity building to support its work, and thanked the Scientific Committee, SCIC and SCAF for the excellent work that has been completed on developing effective approaches to capacity building. It particularly thanked South Africa for chairing the ICG and hosting the Workshop as well as Korea for providing funding for the Workshop.

Cooperation with the Antarctic Treaty System and international organisations

Cooperation with the Antarctic Treaty System

11.1 The Executive Secretary introduced a summary report from the 42nd Antarctic Treaty Consultative Meeting (ATCM XLII) (CCAMLR-38/BG/01). ATCM had discussed several items of relevance for CCAMLR, including Antarctic operations and safety, biological prospecting, plastics and pollution, and had a significant focus on the implications of climate change and tourism. ATCM also adopted the Prague Declaration on the occasion of the 60th anniversary of the Antarctic Treaty, in which all Parties reaffirmed their commitment to the objectives, purposes and principles of the Treaty.

11.2 The Commission welcomed the adoption of the Prague Declaration by ATCM XLII and noted that this also reflected the importance of CCAMLR within the Antarctic Treaty System, and a commitment to continue to cooperate closely with CCAMLR, including on matters related to conservation of Antarctic marine living resources.

11.3 The Executive Secretary of the Antarctic Treaty Secretariat confirmed that ATCM XLIII will be held in Helsinki, Finland, from 25 May to 4 June 2020.

Cooperation with international organisations

11.4 FAO presented an overview of the Regional Fishery Body Secretariats' Network (RSN) (CCAMLR-38/BG/50) and invited CCAMLR participation. Japan thanked FAO for its coordination of the RSN and encouraged the CCAMLR Secretariat in its continuous contribution to the RSN.

11.5 IAATO presented in CCAMLR-38/BG/37 a summary of Antarctic tourism trends and the association's activities of relevance to CCAMLR during the 2018/19 and upcoming seasons, noting that IAATO represents the majority of tour operators operating on, and around, the continent.

11.6 SCAR noted that its work had been referred to several times during SC-CAMLR-38 and welcomed further discussions in relation to CCAMLR-relevant research. Through the SCAR Standing Committee on the Antarctic Treaty System (SC-ATS), SCAR looked forward to bringing relevant and objective scientific advice to future meetings. SCAR informed CCAMLR attendees of its forthcoming SCAR Open Science Conference meeting in Hobart, Tasmania, Australia, from 31 July to 11 August 2020 which will include a CCAMLR-focused session on the role of fish in the Southern Ocean ecosystem. SCAR welcomed the opportunity to present a lecture during CCAMLR-39 on its updated ACCE report.

11.7 The Commission thanked SCAR for its valuable work on climate change and appreciated SCAR's help in enhancing the Commission's understanding about the ongoing implications for the Antarctic marine ecosystem.

11.8 ACAP thanked the Commission for its continued commitment to maintaining the monitoring and effective implementation of conservation measures to mitigate the incidental mortality of seabirds in fisheries. ACAP offered to continue to share best-practice advice and encouraged continued collaboration with CCAMLR on issues of mutual interest.

11.9 ARK discussed points raised in SC-CAMLR-38/BG/09, noting significant steps taken towards supporting data collection for the sustainable management of the krill fisheries. In the upcoming intersessional period, ARK will seek support for building a protocol for data collection among CCAMLR scientists working on the feedback management, risk assessment and MPA initiatives for Subareas 48.1 and 48.2.

11.10 China, Norway and Ukraine thanked ARK for its contributions to the 2019 Area 48 Survey on krill and recognised the importance of data collection for the sustainable management of krill fisheries.

11.11 The Commission congratulated France on the listing of some of the French Austral Lands and Seas onto the UNESCO World Heritage List in recognition of the conservation work carried out in accordance with CCAMLR conservation measures as noted in CCAMLR-38/BG/39.

11.12 ASOC introduced CCAMLR-38/BG/43, noting its priorities on MPAs, krill fisheries management, climate change, vessel safety, transshipment and toothfish fisheries. ASOC reported on activities including workshops on krill fisheries management and MPAs, participating in the Domain 1 expert group, and supporting conservation science. ASOC further noted the overwhelming scientific evidence of a climate and biodiversity crisis and encouraged CCAMLR to implement strong conservation policies to address climate change.

11.13 COLTO noted the successful data reporting workshop in Cape Town, South Africa, this year and its continued contribution to the work of CCAMLR through a tagging workshop next year and sponsorship of another tag lottery. Ukraine thanked COLTO for its continued efforts to support CCAMLR and for the sponsorship of travel fees to Hobart for the Ukrainian CCAMLR scholarship recipient. The Commission thanked COLTO for the Cape Town workshop and also welcomed COLTO's offer to convene a workshop to consider best practices in toothfish tagging and the estimation and use of conversion factors in toothfish fisheries.

11.14 FAO noted progress on a five-year high-seas fisheries and biodiversity project that will conclude at the end of this year, with four components including policy, impacts on VMEs, adaptive fishery management and area-based planning. A new deep-sea proposal is being developed that will promote and share regional experiences on the ecosystem approach to fisheries management to support sustainable fisheries and healthy ecosystems in the high seas.

11.15 Oceanites provided an overview of activities over the past year (SC-CAMLR-38/BG/11) including results from the 25th consecutive field season of the Antarctic Site Inventory and updates on penguin population changes and climate analyses.

Reports from CCAMLR representatives at meetings of international organisations in the previous intersessional period and nominations of representatives to forthcoming meetings of relevant international organisations

11.16 The Commission noted the following background papers tabled by a number of delegations, summarising the main outcomes of meetings of other organisations of interest to CCAMLR:

- CCAMLR-38/BG/23 – Report from the CCAMLR Observer (New Zealand) to the Seventh Meeting of the Commission of the South Pacific Regional Fisheries Management Organisation (SPRFMO) (The Hague, The Netherlands, 23 to 27 January 2019).
- CCAMLR-38/BG/27 – Report from the CCAMLR Observer (Argentina) to the Fourth Session of the United Nations Environment Assembly of the United Nations Environment Programme (Nairobi, Kenya, 11 to 15 March 2019).
- CCAMLR-38/BG/30 – Report from the CCAMLR Observer (Australia) to the 23rd Annual Meeting of the Indian Ocean Tuna Commission (IOTC) (Hyderabad, India, 17 to 21 June 2019).
- CCAMLR-38/BG/35 – Report from the CCAMLR Observer (Republic of Korea) to the 94th Meeting of the Inter-American Tropical Tuna Commission (IATTC) (Bilbao, Spain, 22 to 26 July 2019).

- CCAMLR-38/BG/48 – Report from the CCAMLR Observer (USA) on the 15th Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC) (Honolulu, Hawaii, 10 to 14 December 2018).
- CCAMLR-38/BG/54 – Report by CCAMLR Observer (Norway) on the 37th Annual Meeting of the North-East Atlantic Fisheries Commission (NEAFC) (London, United Kingdom, 13 to 16 November 2018).
- CCAMLR-38/BG/55 – Report by CCAMLR Observer (Norway) on the 15th Meeting of the South East Atlantic Fisheries Organization (SEAFO-XV) (Swakopmund, Namibia, 26 to 30 November 2018).
- CCAMLR-38/BG/57 – Report from CCAMLR Observer (European Union) on the 21st Special Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) (Dubrovnik, Croatia, 12 to 19 November 2018).
- CCAMLR-38/BG/58 – Report from CCAMLR Observer (European Union) on the 41st annual meeting Northwest Atlantic Fisheries Organization (NAFO) (Bordeaux, France, 23 to 27 September 2019).
- CCAMLR-38/BG/59 – Report from CCAMLR observer (European Union) on the sixth meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA) (Flic en Flac, Mauritius, 1 to 5 July 2019).
- CCAMLR-38/BG/61 – Report from the CCAMLR Observer (New Zealand) to the 26th Annual Meeting of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) (Cape Town, South Africa, 14 to 17 October 2019).

11.17 The CCAMLR Observer (Argentina) reported on points of interest to CCAMLR during the Fourth Session of the United Nations Environment Assembly (CCAMLR-38/BG/27), including discussions surrounding microplastics, single-use plastic pollution and the impact of land-based activities on the marine environment. The Fifth Session of the Assembly will be hosted in Nairobi, Kenya, from 22 to 26 February 2021.

11.18 Argentina requested that the Secretariat consider permitting the submission of future Observer background papers in any of the official languages, for translation into English by the Secretariat. The Executive Secretary agreed that this could be done and requested that such documents be submitted by the current working paper deadline and conform to the size restrictions that normally relate to Commission working papers.

11.19 The Chair invited nominations for CCAMLR Observers to forthcoming meetings of relevance to the Commission (Table 1).

Cooperation with regional fisheries management organisations (RFMOs)

11.20 The Commission noted the discussion during SCIC-2019 on CCAMLR-38/19 submitted by the EU, proposing to promote the creation of a Southern Ocean Cooperation Platform

(SOCP) to enhance cooperation between CCAMLR and neighbouring regional fisheries management organisations (RFMOs) (SEAFO, SIOFA and SPRFMO) and that there was no consensus (SCIC-2019 report, paragraphs 58 to 60).

11.21 ASOC presented CCAMLR-38/BG/45 to propose the next steps in the cooperation between CCAMLR and SIOFA, recognising the existence of fishing on toothfish stocks that straddle the two Convention Areas. ASOC noted that CCAMLR conservation measures for toothfish fisheries were not currently reflected in SIOFA conservation and management measures (CMMs). ASOC encouraged CCAMLR to convene a joint technical workshop to review SIOFA CMMs and processes for setting catch limits on toothfish.

11.22 SPRFMO noted areas of common interest and continuing cooperation with CCAMLR, highlighting progress towards the exchange of information on the CDS, observer program and fisheries operating in the SPRFMO Convention Area.

Other business

12.1 The Commission welcomed the proposal by the Secretariat to update the release procedure of CCAMLR meeting documents (CCAMLR-38/16) to include: (i) a default automatic release upon request for any Secretariat papers that have not been identified by Members as sensitive, and (ii) grant of access to working group document lists for approved Observers attending the Commission meeting.

12.2 The Commission agreed to these proposals and that Members will have two weeks following the close of a meeting to object to the automatic release of any individual paper produced by the Secretariat. All Secretariat papers without objections would then be released automatically upon request.

12.3 Recognising that revisions to papers usually contain track changes to facilitate the work of the Commission, the Secretariat clarified that any released papers will be the most recent version considered by Members and will have track changes accepted.

12.4 Some Members expressed concerns regarding the lack of transparency by CCAMLR. They noted that the Antarctic Treaty System and other international organisations that manage fisheries are more transparent and that their meeting documents are often freely accessible and suggested that CCAMLR consider the release of meeting documents to support transparency.

12.5 Equally committed to CCAMLR's transparency, some Members noted that, for a variety of reasons, some meeting documents may not have reached maturity or may contain sensitive information, including unpublished data, which therefore require special consideration by Members prior to eventual release to the public.

12.6 The Commission requested that the Secretariat submit a paper to CCAMLR-39 that outlines the current rules of access that apply to CCAMLR meeting documents.

12.7 The Commission noted that the Rules of Procedure for the Commission and the Scientific Committee in the English language are not gender neutral. In confirming its commitment to equality across all component parts of the Commission, it requested that the Secretariat work with Members intersessionally to assess whether it is necessary and possible

to make changes in all languages, taking into consideration that gender forms may differ across the official languages of the Convention, with a proposal for amendment to be submitted by the Secretariat to the Scientific Committee and Commission in 2020.

12.8 For Spanish language versions of meeting reports, Argentina requested that the Secretariat arrange Members in alphabetical order.

12.9 The Commission agreed that the map of the Convention Area published by the Secretariat (www.ccamlr.org/document/organisation/map-ccamlr-convention-area) should be made available in the official languages of the Convention.

12.10 Some Members suggested that for the circulation of notifications relating to CCAMLR membership, which is typically managed by the Depositary in line with the Convention, that the Secretariat also notify CCAMLR Members through a COMM CIRC. The Secretariat agreed to liaise with the Depositary (Australia) on this matter.

12.11 The Commission considered CCAMLR-38/BG/16 Rev. 1 on the CCAMLR website and brochure redevelopment and noted that an e-group would be established for Members to provide feedback.

12.12 The Commission noted the considerations of SCIC and SCAF on the limitations of the current meeting space at CCAMLR Headquarters (SCAF-2019 report, paragraphs 61 to 63; SCIC-2019 report, paragraphs 138 and 139).

Administrative matters

Election of officers

13.1 The Commission thanked Germany (Dr Schönemeyer) for performing the role of Commission Vice-Chair, and elected Argentina (Mr M. Gowland) for the position of Commission Vice-Chair for 2020 and 2021.

13.2 The Commission thanked Dr Belchier (UK) for his outstanding work as Chair of the Scientific Committee over the last four years and noted the election of Dr D. Welsford (Australia) as Chair for 2020 and 2021.

13.3 The Commission expressed its gratitude to Mr Timokhin for chairing SCAF in 2019, noting his advice that he would be stepping down as Chair at the conclusion of the 2019 meeting.

13.4 The Commission noted that in 2018 Ms Langerock was elected as Vice-Chair of SCAF for the 2019 and 2020 meetings. Ms Langerock indicated her readiness to assume the role of acting Chair from the conclusion of the 2019 meeting, in accordance with Rule 13 of the Rules of Procedure of the Commission.

Invitation of observers

13.5 The Commission will invite the following to attend the Thirty-ninth meeting of the Commission as Observers:

- Non-Member Contracting Parties – Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Islamic Republic of Pakistan, Republic of Panama, Peru and Vanuatu.
- Other States in dialogue with CCAMLR – Cambodia, Indonesia, Luxembourg.
- NCPs cooperating with CCAMLR through participation in the Catch Documentation Scheme (CDS) – Ecuador.
- NCPs trading in re-exported *Dissostichus* spp. that has not been previously landed in the port of a Contracting Party or NCPs cooperating with CCAMLR by participating in the CDS, who are cooperating with CCAMLR through limited access to the e-CDS – Singapore.
- NCPs not participating in the CDS but possibly involved in harvesting, landing and/or trade of toothfish in accordance with the NCP Engagement Strategy – Brunei Darussalam, Colombia, Dominican Republic, Lebanon, Malaysia, Republic of the Maldives, Mexico, Philippines, Switzerland, Thailand, Turkey, United Arab Emirates and Viet Nam.
- NCP Flag States of vessels listed on CCAMLR NCP-IUU Vessel List – Angola, Gambia, Islamic Republic of Iran, Nigeria, St. Vincent and the Grenadines, Tanzania and Togo.

13.6 The Executive Secretary advised the Commission that a list of NCPs to be invited to CCAMLR-39 will be circulated to Members for comment prior to meeting invitations being issued in July 2020.

13.7 The following intergovernmental organisations will be invited to attend CCAMLR-39 as Observers: ACAP, CCSBT, CEP, CITES, COMNAP, FAO, IATTC, ICCAT, IOC, INTERPOL, IUCN, IWC, RPOA-IUU, SCAR, SCOR, SEAFO, SIOFA, SOOS, SPRFMO, UNEP and WCPFC.

13.8 The following non-governmental organisations will be invited to attend CCAMLR-39: ARK, ASOC, COLTO, IAATO and Oceanites.

Next meeting

13.9 The Executive Secretary presented CCAMLR-38/BG/18 outlining options for future meeting duration and timing. This included options for moving the meetings one week earlier than is traditional and shortening the meetings by one day. The Commission agreed that for the 39th meeting it would keep to the traditional schedule and duration, but from the 40th meeting it would meet one week earlier than is traditional. The Commission asked the Secretariat to propose a meeting schedule from 2021 onwards that would conform to this approach.

13.10 The Commission agreed that its Thirty-ninth Meeting will be held at the CCAMLR Headquarters building (181 Macquarie Street) in Hobart, Australia, from 26 October to 6 November 2020.

13.11 The Commission noted that the Thirty-ninth Meeting of the Scientific Committee will be held in Hobart from 26 to 30 October 2020.

Report of the Thirty-eighth Meeting of the Commission

14.1 The report of the Thirty-eighth Meeting of the Commission was adopted.

Close of the meeting

15.1 The Chair thanked the Chairs of SCIC, SCAF and the conservation measures drafting group for guiding their discussion and outcomes for the Commission. He also thanked the Executive Secretary and the Secretariat, interpreters, catering and support staff for their hard work in the lead up to and during CCAMLR-38.

15.2 Argentina recalled that the Data and Information Systems Manager, Mr Tim Jones, would leave the Secretariat in November and on behalf of the Commission thanked him for his many years of service to CCAMLR.

15.3 The Commission thanked the Chair for his clear leadership and energy in chairing the meeting.

Table1: List of 2019/20 meetings of organisation or arrangement with nominated observers for the Commission.

Entity	Dates (where available)	Venue (where available)	Observer
The Agreement for the Conservation of Albatrosses and Petrels (ACAP) MoP	2021	Hobart, Australia	Australia
The Antarctic Treaty Consultative Meeting (ATCM)	25 May to 4 June 2020	Helsinki, Finland	Executive Secretary
The Food and Agriculture Organization of the United Nations (FAO) COFI	13 to 17 July 2020	Rome, Italy	Executive Secretary
The Commission for the Conservation of Southern Bluefin Tuna (CCSBT)	12 to 15 October 2020	Sapporo, Japan	New Zealand
The Inter-American Tropical Tuna Commission (IATTC)	July/August 2020	Date and venue tbc	Republic of Korea
The International Commission for the Conservation of Atlantic Tunas (ICCAT)	18 to 25 November 2019 [tbc]	Palma de Mallorca, Spain	USA
The Indian Ocean Tuna Commission (IOTC)	8 June 2020	Bali, Indonesia	Australia
The World Conservation Union (IUCN)	11 to 19 June 2020	Marseille, France	
The International Whaling Commission (IWC)	23 September to 2 October 2020 (provisional)	Portoroz, Slovenia	Japan
The Northwest Atlantic Fisheries Organization (NAFO)	21 to 25 September 2020	Halifax, Canada	EU
The North East Atlantic Fisheries Commission (NEAFC)	12 to 15 November 2019	London, UK	Norway
The South East Atlantic Fisheries Organisation (SEAFO)	25 to 28 November 2019	Swakopmund, Namibia	Norway
The Southern Indian Ocean Fisheries Agreement (SIOFA)	5 to 9 July 2020	La Reunion, France	EU
The South Pacific Regional Fisheries Management Organisation (SPRFMO)	14 to 18 February 2020	Port Vila, Vanuatu	New Zealand
The United Nations Environment Programme (UNEP)	last week of February 2021 [tbc]	Nairobi, Kenya	Argentina
The Western and Central Pacific Fisheries Commission (WCPFC)	5 to 11 December 2019	Port Moresby, Papua New Guinea	USA

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SC-CAMLR-38/BG/22	Moving towards a new era in ecosystem-based krill fishery management Submitted by ASOC
SC-CAMLR-38/BG/24	Expanding CCAMLR’s consideration of whales in science and management Submitted by ASOC

**Opening Address by the Governor of Tasmania, Her Excellency
Professor the Honourable Kate Warner AC**

**Opening Address by the Governor of Tasmania, Her Excellency
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‘Mr Chairman, Your Excellencies, Distinguished Delegates, Ladies and Gentlemen.

Good morning and welcome to Hobart and to the 38th annual meeting of the Commission and Scientific Committee.

Ambassador Curcio, I would like to extend a very warm welcome to you in what is the first year of your Chairmanship of the Commission.

Many of you have been here several times previously and we very warmly welcome you back. For those visiting us for the first time I hope that you enjoy your time with us. I hope that you will find time to explore Tasmania and our lovely city of Hobart during your stay so that you can appreciate why so many of your colleagues return each year!

This is the fifth time that I have had the privilege of opening your annual meeting, and I never cease to be impressed with the very heavy agenda that you cover in these two weeks. I am of course very well aware that these meetings are supported by a lot of work intersessionally, undertaken by Members individually and by working groups. Your dedication, and your individual and collective contribution particularly to the science and research that is necessary for the Commission to make sound decisions, reflects the importance which you attach to the Convention and its objectives.

In these five years I have seen a significant growth in interest in the Commission and Scientific Committee’s work. More people, and more state and more non-state observers, have been attending your meetings. This is clear evidence that others also recognise the importance and value of the work you do. The decision of the Commission last year to accept two non-Contracting Parties as cooperating with the toothfish Catch Documentation Scheme was an indication to me quite how much CCAMLR’s work is recognised around the world, and how many non-Contracting Parties wish to become involved in it.

There are a very large number of highly important issues on your agenda. These include discussions on marine protected areas, climate change and krill management, and I am aware that many Members are active in undertaking the research to develop these elements of your work.

One statistic from the report of last year’s meeting jumped out at me, that the krill catch had been more than 300 000 tonnes, the highest it has been since the early 1990s. I believe that this year this figure has continued to grow and will be more than 350 000 tonnes. While this is lower than the current catch limit, the expansion of the krill fishery continues to attract worldwide attention.

I was therefore very pleased to hear the news that the Scientific Committee’s Working Group on Ecosystem Monitoring and Management had made significant progress this year to develop a new practical approach to ecosystem-based krill management. Furthermore, I am told that this year a number of Members contributed to the CCAMLR Ecosystem Monitoring Program, and others participated in krill acoustic surveys, and that the survey work was supported actively by the krill industry.

Clearly in this short opening address I am unable to cover all the issues that are before you, nor do I necessarily understand the detail involved. But I am aware that addressing them is of great importance for the Antarctic, and that there is an increasing sense of urgency about them.

I wish you well in your discussions on these important issues over the next two weeks. Your collective will and experience gives me great confidence that CCAMLR will be able to find practical and effective management approaches that meet the challenges facing it.

And, as always, it gives me great pride and pleasure that these important discussions and the decisions that arise from them are made in Hobart. Hobart values your presence and feels honoured at having CCAMLR headquartered in our State. We are proud of our Antarctic heritage and that so many other organisations involved in Antarctic and Southern Ocean work choose to meet and work here. I do hope that the welcome that the city gives you makes your work here enjoyable as well as productive.

I very much look forward to welcoming you to Government House this evening, and I hope that we will have an opportunity to talk about some of the important issues that are on your agenda.

Distinguished Delegates, Ladies and Gentlemen, I wish you well in your endeavours over the next two weeks and to ensure that you are able to make the most of your time here. I'll hand the Meeting back to your Chairman to start your deliberations.

Thank you for your attention.'

Agenda for the Thirty-eighth Meeting of the Commission

**Agenda for the Thirty-eighth Meeting
of the Commission for the Conservation
of Antarctic Marine Living Resources**

1. Opening of meeting
2. Organisation of meeting
 - 2.1 Adoption of agenda
 - 2.2 Status of the Convention
 - 2.3 Chair's Report
3. Implementation and compliance
 - 3.1 Advice from SCIC
 - 3.2 CCAMLR Compliance Report
 - 3.3 IUU fishing in the Convention Area
 - 3.4 Fishery notifications
4. Administration and Finance
 - 4.1 Advice from SCAF
 - 4.2 Sustainable Financing
 - 4.3 Review of the 2019 budget, 2020 budget and forecast budget for 2021
5. Management of marine resources
 - 5.1 Advice from the Scientific Committee
 - 5.2 Harvested species
 - 5.2.1 Krill resources
 - 5.2.2 Fish resources
 - 5.2.3 Other resources
 - 5.2.4 New fisheries
 - 5.3 Non-target species
 - 5.3.1 Fish and invertebrates
 - 5.3.2 Seabirds and mammals
 - 5.3.3 Bottom fishing and vulnerable marine ecosystems
 - 5.3.4 Scientific research under Conservation Measure 24-01
6. Spatial management
 - 6.1 Review of existing marine protected areas (MPAs)
 - 6.2 Review of proposals for new MPAs
7. CCAMLR Scheme of International Scientific Observation
8. Impacts of climate change on the conservation of Antarctic marine living resources

9. Conservation measures
 - 9.1 Review of existing measures
 - 9.2 Consideration of new measures and other conservation requirements
10. Implementation of Convention objectives
 - 10.1 Objectives of the Convention
 - 10.2 Second performance review
 - 10.3 Capacity building
11. Cooperation with the Antarctic Treaty System and international organisations
 - 11.1 Cooperation with the Antarctic Treaty System
 - 11.2 Cooperation with international organisations
 - 11.2.1 Reports of observers from international organisations
 - 11.2.2 Reports from CCAMLR representatives at meetings of international organisations in the previous intersessional period and nominations of representatives to forthcoming meetings of relevant international organisations
 - 11.2.3 Cooperation with regional fisheries management organisations (RFMOs)
12. Other business
13. Administrative matters
 - 13.1 Election of officers
 - 13.2 Invitation of observers
 - 13.3 Next meeting
14. Report of the Thirty-eighth Meeting of the Commission
15. Close of the meeting.

**Summary of activities of the Commission during the
2018/19 intersessional period – Report of the Chair**

Summary of activities of the Commission during the 2018/19 intersessional period

Report of the Chair

Intersessional meetings

1. The following intersessional meetings of the Scientific Committee were held in 2019:
 - Working Group on Statistics, Assessments and Modelling (WG-SAM), 17 to 21 June, Concarneau, France
 - Working Group on Ecosystem Monitoring and Management (WG-EMM), 24 June to 5 July, Concarneau, France
 - Subgroup on Acoustic Survey and Analysis Methods (SG-ASAM), 26 to 30 August, Bergen, Norway
 - Working Group on Fish Stock Assessment (WG-FSA), 8 to 19 October, Headquarters, Hobart.
2. A COLTO–CCAMLR Toothfish Catch and Effort Data Workshop, attended by scientists from CCAMLR Members and representatives of the toothfish industry was held from 30 July to 1 August 2019 in Cape Town, South Africa.
3. The work of the Commission and Scientific Committee was supported by a number of e-groups which were active during the year. The Intersessional Correspondence Group (ICG) on Capacity Building for CCAMLR Members held a workshop from 8 to 10 April 2019 in Cape Town, South Africa. The meeting was chaired by South Africa and supported financially by the Republic of Korea.
4. On behalf of CCAMLR, I would like to express my gratitude to the conveners and to the hosts of these meetings for their expert support and facilities.

CCAMLR-regulated fisheries

5. In the 2018/19 season to date (13 September 2019), 13 CCAMLR Members participated in fisheries and research targeting icefish, toothfish and krill (see SC-CAMLR-38/BG/01). Members reported a total catch of 381 934 tonnes of krill, 12 437 tonnes of toothfish and 449 tonnes of icefish from the Convention Area.
6. The Secretariat monitored CCAMLR fisheries using catch and effort reports and notifications of vessel movements. Where necessary, Members and vessels were advised of the closure of areas and fisheries.
7. During 2018/19, 58 deployed scientific observers were appointed in accordance with the Scheme of International Scientific Observation: 42 on longline vessels, two on trawl vessels fishing for icefish, one on a pot fishing vessel targeting crabs and 13 on vessels fishing for krill.

CCAMLR's fishery monitoring and compliance

8. To date in the 2018/19 season 478 *Dissostichus* catch documents, 2 696 export documents and 171 re-export documents have been issued by 22 Contracting Parties and non-Contracting Parties (NCPs) cooperating with the Catch Documentation Scheme for *Dissostichus* spp. (CDS). The countries with the largest imports of toothfish, as tracked through the CDS, are the USA, China, Korea and Singapore.

9. No vessels included on the NCP-IUU (illegal, unreported and unregulated) Vessel List were reported as sighted by Members inside the Convention Area in 2018/19. The Secretariat has continued to cooperate with INTERPOL during 2019, and INTERPOL assisted Members with relevant information on IUU vessel activities.

Science

10. Sixty-eight participants attended the mid-year scientific meetings of WG-EMM and 46 of WG-SAM, contributing 117 scientific papers. Eleven Members undertook research surveys during 2018/19. Ten Members contributed CCAMLR Ecosystem Monitoring Program (CEMP) data during 2018/19. Data were provided on six indicator species from 17 locations. Data on monitoring of marine debris within the Convention Area during 2018/19 were provided by four Members.

Commission representation at meetings of other organisations

11. The Commission was represented at meetings of 17 international organisations and programs in 2018/19 and maintained relationships with six organisations it has formal Agreements with. In 2019 the Agreements between CCAMLR and the South Pacific Regional Fisheries Management Organisation (SPRFMO), and CCAMLR and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), were renewed as decided by the Commission in 2018.

12. Fifty-seven non-Member Contracting Parties, NCPs, intergovernmental organisations and non-governmental organisations were invited to attend CCAMLR-38 as Observers.

Secretariat

13. The Secretariat continued to provide fishery monitoring and compliance services to support the work of the Standing Committee on Implementation and Compliance (SCIC), science and data management services to support the work of the Scientific Committee, technical and logistic support to intersessional meetings of the Scientific Committee's working groups, and support for CCAMLR communications, the website and e-groups.

14. The Secretariat continued to provide quarterly financial and investment reports to Members through the year, and I am delighted to recognise the voluntary contributions made by various Members to CCAMLR Special Funds and to support specific activities outside the General Fund budget.

15. The Executive Secretary's Report to CCAMLR-38 includes a report on the first year of implementation for the 2019–2022 Strategic Plan.

**Report of the Standing Committee on
Implementation and Compliance (SCIC)**

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Report of the Meeting of the Standing Committee on Implementation and Compliance (SCIC)

Opening of the meeting

1. The Meeting of the Standing Committee on Implementation and Compliance (SCIC) was held in Hobart, Australia, from 21 to 25 October 2019.
2. The Chair of SCIC, Ms J. Kim (Republic of Korea) opened the meeting, welcomed Members and Observers, and thanked the Secretariat for its support. A welcome was extended to the Kingdom of the Netherlands (Netherlands) as a new Member of CCAMLR. The Chair further expressed thanks to Members for their intersessional work to prepare for SCIC.

Organisation of the meeting

3. SCIC considered the SCIC agenda as adopted by the Commission.

Review of compliance and implementation-related measures and systems

Catch Documentation Scheme for *Dissostichus* spp. (CDS)

4. SCIC noted the requirement of Conservation Measure (CM) 10-05, Annex 10-05/B, for the designation of a minimum of six Members to serve on a Review Panel to review the Catch Documentation Scheme for *Dissostichus* spp. (CDS) Fund expenditure proposals and to make recommendations to the Commission on whether to fund special projects or special needs. Nominations from Australia, the European Union (EU), New Zealand, Korea, the Russian Federation (Russia), South Africa, the United States of America (USA) and the United Kingdom (UK) were endorsed by SCIC.

Non-Contracting Party (NCP) Engagement Strategy

5. SCIC considered CCAMLR-38/14, which outlined the Secretariat's review of the non-Contracting Party (NCP) Engagement Strategy and the Secretariat's proposed NCP Engagement Strategy Action Plan for 2020–2022. SCIC thanked the Secretariat for its work and support and recommended that the review and update of the NCP Engagement Strategy be undertaken every two years in parallel with the analysis of the trade data (paragraph 14).
6. SCIC endorsed the proposed NCP Engagement Strategy (CCAMLR-38/14, Annex 1) and made the following recommendations:

- (i) to continue the use of CDS data and other global trade data holdings to identify NCPs

- (ii) for the Executive Secretary in their obligations under CM 10-05, Annex 10-05/C, paragraph C1, to contact NCPs which have traded in a minimum total of 1 000 kg over the previous three years
- (iii) for the Executive Secretary to contact Flag States of vessels that have engaged in transshipment activities as identified through the CDS, transshipment notifications or reports of illegal, unreported and unregulated (IUU) activity
- (iv) for further resources be made available to encourage Member States to actively participate in the NCP Engagement Strategy.

7. SCIC noted that the USA has engaged in bilateral discussions with Viet Nam in support of the NCP Engagement Strategy and will continue to do so in the future. SCIC also noted Australia's engagement in the Southeast Asian region in support of this and other relevant work.

8. SCIC considered the Secretariat's proposal for expenditure from the CDS Fund for the development of a proof of concept for an online interactive e-CDS training package and for the delivery of CDS workshops and training in 2020 (CCAMLR-38/15).

9. In its deliberations, the CDS Fund Review Panel, with participation from the Secretariat and the Chair of the Standing Committee on Administration and Finance (SCAF), Mr K. Timokhin (Russia), considered CM 10-05, Annex 10-05/B, particularly with respect to its role and the purpose of the Fund.

10. The CDS Fund Review Panel considered that:

- (i) both proposed projects (that is, the e-CDS interactive online training proof of concept proposal and two proposed CDS workshops in 2020) are consistent with the purpose of the CDS Fund (CM 10-01, Annex 10-05/B, paragraph 1 and CCAMLR-38/15)
- (ii) the proposed funding requested (\$A25 000 per workshop and \$A20 000 for the e-CDS proof of concept) was based on the cost of previous workshops and on experience gained during the CCAMLR website redevelopment. The Review Panel considered the cost and its basis as reasonable and therefore it should be referred to SCAF
- (iii) similar workshops run by the Secretariat have been successful in the past
- (iv) the e-CDS proof of concept should: (i) include options for including translation into all official languages, (ii) be appropriately targeted at CDS officers (including to assist new CDS officers, such as through improved manuals and online training modules) and (iii) engage current CDS users in the design of the material.

11. The CDS Fund Review Panel benefited from the engagement and further clarifications offered from the Secretariat in relation to the scope, timing, duration and participation in the workshops, and its ideas for the e-CDS and the providers that it had considered approaching. The Secretariat provided further information to the CDS Fund Review Panel and it requested that the Secretariat share the same with SCIC so that all Members would have this valuable information available.

12. The Secretariat reminded SCIC that there had been successful CDS workshops held in 2010, 2012 and 2017, and the Secretariat proposed to follow a similar model for workshops in 2020. The Secretariat provided direction to the background information reported on those workshops. The Secretariat confirmed that, as with previous workshops, the cost structure of proposed workshops was for essential logistical support such as venue hire, administrative support and material, and not scoped to cover participants' travel and subsistence.

13. With respect to the proof of concept for the development of an online interactive e-CDS training package, the Secretariat informed SCIC that in obtaining a proof of concept, that it was anticipated that the proof of concept stage would return a detailed proposal to SCIC and SCAF in 2020 for the development of the training package. Some Members asked whether the translation of a training package could be extended beyond the official languages of the Commission. The Secretariat advised the request could be made in the proposal for the proof of concept, and the costs of developing training materials in additional languages would be expected to be outlined in the full proposal.

Implementation of the CDS and trade data analysis

14. SCIC considered CCAMLR-38/BG/09, BG/10 Rev. 2 and BG/11 reporting on the analysis of global toothfish trade data, implementation of the CDS and analysis of CDS data and the reconciliation of CDS data with monthly fine-scale catch and effort data. SCIC thanked the Secretariat for its work on the trade data analysis provided and recommended that this work be continued to be undertaken every two years.

15. SCIC noted that the discrepancy identified in the reconciliation between CDS and fine-scale catch and effort data for the Convention Area was less than 1% which is within the expected tolerance and supports the conclusion that Members were meeting their obligations.

16. SCIC noted that the CDS has been implemented by 16 Members, three Acceding States, one NCP cooperating with CCAMLR by participating in the CDS and one NCP with limited access to the CDS since the 2018 Commission meeting.

17. SCIC noted the efforts to engage NCPs, including letters sent by the Secretariat in accordance with CM 10-05, Annex 10-05/C, and the NCP Engagement Strategy.

18. SCIC noted that no Specially Validated *Dissostichus* Catch Documents (SVDCDs) had been issued in 2019.

19. China advised that Hong Kong Special Administrative Region (Hong Kong SAR) was continuing work to support the implementation of the CDS and that Hong Kong SAR would continue to monitor the trade statistics of toothfish imported into, and re-exported through, Hong Kong SAR. China provided an update of this work, noting that the main ordinance for implementing the CAMLR Convention was passed by the Legislative Council and legislative work has been undertaken for implementation of the relevant conservation measures which is expected to be completed in the next year. China also welcomed other Members providing information associated with the suspected IUU toothfish catch landed, traded or transhipped through Hong Kong SAR, noting that assistance would be provided by Hong Kong SAR in providing the necessary assistance and undertaking follow-up action under the existing domestic frameworks.

20. SCIC considered CCAMLR-38/BG/52 detailing Ecuador's efforts to comply with the conservation measures. SCIC thanked Ecuador for its efforts and the submission of a comprehensive report.

Vessel inspection

21. SCIC reviewed the implementation of CM 10-03 and the System of Inspection in 2018/19 in CCAMLR-38/BG/14 which noted that 152 port inspections and 17 at-sea inspections were undertaken, and SCIC endorsed the recommendation that an electronic version of the form in CM 10-03, Annex 10-03/A, be developed and made available to Contracting Parties.

22. SCIC welcomed Chile's submission (CCAMLR-38/BG/29) on inspections undertaken by Chile's vessel OPV-83 *Marinero Fuentealba* in the 2018/19 season. Chile informed SCIC that it carried out boarding and inspection activities in Subarea 48.1. During the patrol, two inspections of fishing vessels and one sighting of a logistical support vessel were recorded.

23. SCIC expressed its appreciation to Chile in conducting the inspections, noting the importance of these patrols for the implementation of conservation measures and the challenges involved in undertaking at-sea inspections.

Vessel monitoring system (VMS) and vessel movement activity within the Convention Area

24. SCIC considered CCAMLR-38/BG/06 which reported on the outcomes of work carried out intersessionally on the Satellite Overwatch pilot project by France, with support from the Secretariat. The Satellite Overwatch pilot project involved the receipt and analysis of images with geographical positions from target surveillance areas within the Convention Area, for comparison with CCAMLR vessel monitoring system (VMS) data. It was proposed that potential IUU fishing activity is being undertaken in a number of subareas, however, continued work with satellite surveillance is necessary to formulate final conclusions.

25. SCIC thanked France and the Secretariat for their work to improve the accuracy and effectiveness of satellite surveillance as a mechanism to combat IUU fishing and supported the proposal to continue working intersessionally to develop this system of surveillance, with an update on the Satellite Overwatch project development to be reported back to SCIC next year.

26. The Secretariat presented CCAMLR-38/BG/28 which reported on its participation in the search and rescue (SAR) workshop hosted by the Council of Managers of National Antarctic Programs (COMNAP) and Antarctica New Zealand, from 14 to 16 May 2019. The workshop presented an opportunity to raise awareness of CCAMLR's arrangements with maritime rescue coordination centres (MRCCs) for the release of VMS data for live search and rescue events.

27. SCIC noted the importance of engaging in work to support SAR and thanked the Secretariat for its participation in the workshop, as well as New Zealand for hosting.

Promotion of compliance in CCAMLR

28. SCIC considered CCAMLR-38/BG/08 on the offal management group, which reported on offal management techniques currently used by CCAMLR vessels and found that incidents of non-compliance with CM 26-01, paragraph 6, on the prohibition of dumping or discharging of offal and discards south of 60°S were often the result of mechanical failure. The paper summarised international best practice of offal management, noting that it largely reflected the provisions in CMs 25-02 and 25-03, and that no specific action was recommended to improve the implementation of CM 26-01, paragraph 6. SCIC agreed that the offal management group should continue its work intersessionally using the e-group.

29. New Zealand presented CCAMLR-38/BG/34 reporting on toothfish offal found by observers in the stomachs of toothfish caught by the *San Aspiring* while operating in the Convention Area south of 60°S. It was noted that hooks and snoods were discovered attached to some of the offal and New Zealand highlighted that offal dumping is prohibited under CMs 25-02 and 26-01. New Zealand encouraged Members to use the information provided in the paper to undertake an investigation to determine the source of the offal.

30. SCIC thanked New Zealand for its presentation and considered the need for further discussion on whether the origin of the offal and hooks recovered could be determined. SCIC encouraged Member participation in the offal management e-group intersessionally in order to strengthen offal management practices in the Convention Area.

31. The UK presented CCAMLR-38/BG/40 on electronic monitoring systems as a management tool to support research and compliance on CCAMLR vessels and suggested that SCIC consider electronic monitoring as a future requirement for CCAMLR vessels operating in the Convention Area.

32. SCIC thanked the UK for its paper and considered electronic monitoring as a promising tool to support research priorities and the monitoring and control of vessels. Many Members noted that some of their vessels had already implemented electronic monitoring systems with successful results, highlighting improved reporting capacity and additional options for the collection and validation of data.

33. SCIC agreed to establish an e-group for intersessional discussions and work related to electronic monitoring, to be chaired by the UK.

Transshipment

34. SCIC considered the implementation of CM 10-09 (CCAMLR-38/BG/15). SCIC noted that 212 transshipments had taken place during the review period and all transshipment notifications were provided in accordance with CM 10-09, paragraphs 2 and 3. SCIC endorsed the recommendation that Members remind vessels of the requirements to report transshipment activities as per CM 10-09, paragraph 4.

35. In relation to its proposal to amend CM 10-09 (CCAMLR-38/17), the EU reiterated the prohibition on transshipment within the South Orkney Islands southern shelf marine protected area (MPA) and the Ross Sea region MPA (CMs 91-03 and 91-05).

36. The Antarctic and Southern Ocean Coalition (ASOC) presented its paper on improving the monitoring and control of transshipments in CCAMLR (CCAMLR-38/BG/46). ASOC emphasised the global need for improved oversight of transshipments. CCAMLR-38/BG/46 advocated that CCAMLR add regulations for transshipments, including preventing NCP carrier vessels from being authorised to tranship; developing a required standardised transshipment declaration form; requiring 100% VMS reporting and observer coverage for transshipments, and providing an annual report on transshipments to SCIC.

37. Many Members thanked ASOC for raising these concerns. SCIC expressed support for the improvement of monitoring and control of transshipment activities.

38. Regarding the reference by some Members to the recommendation related to transshipment in the Second Performance Review (PR2) report, China expressed the effort to regulate transshipment in the Convention Area and recalled that the Commission almost reached an agreement on a revision of CM 10-09 some years ago. China reiterated that transshipment should be regulated in an effective and legitimate way.

Proposals for new and revised compliance-related conservation measures

Conservation Measure 10-02

39. SCIC considered New Zealand's proposal to amend CM 10-02 (CCAMLR-38/29), obliging Contracting Parties to not license fishing vessels to operate in the Convention Area if they are listed in a final IUU vessel list of any regional fisheries body.

40. Many Members expressed their support for this proposal as it would enhance CCAMLRs' efforts to ensure that IUU fishing vessels were not able to operate in the Convention Area. These Members considered that the proposal was consistent with the existing obligation in CM 10-02, paragraph 2, that Contracting Parties not licence vessels to operate in the Convention Area unless they are satisfied the vessels are able to comply with the Convention and conservation measures in force. Japan generally supported the proposal but expressed its concern on the proposal relating to the revocation of the licence, which could undermine the right of respective Members as a Flag State to issue licences. China and Russia committed to supporting the effort of fighting IUU fishing in the Convention Area but expressed concern that the proposal might enable elements of cross-listing IUU-listed vessels.

41. The proponent, New Zealand, clarified that the intent in the proposal was a strengthening of the obligations of Contracting Parties as Flag States, not a proposal to cross-list IUU vessels. This clarification was welcomed by several Members.

42. Many Members thanked New Zealand for its work and encouraged development of the proposal. The proposal was still under discussion at the close of SCIC, with several Members still having concerns. SCIC agreed to refer the proposal to the Commission.

Conservation Measure 10-05

43. SCIC considered Korea's proposal to amend CM 10-05 (CCAMLR-38/27) in order to extend the scope of SVDCD provisions to allow a Contracting Party to issue an SVDCD for toothfish which could not be immediately seized or confiscated due to limitations in domestic legal frameworks.

44. While some Members supported the proposal, SCIC noted concerns expressed by some Members regarding that the proposed amendment may have unintended consequences which could allow IUU catch that should be seized or confiscated to enter international trade.

45. Noting the concerns of SCIC, Korea withdrew its proposal to amend CM 10-05. At the same time, however, Korea confirmed that this proposal was made as a complementary measure to the domestic legal framework, and that Korea could continue to fully implement the current CM 10-05. Korea assured SCIC that cases like the *Southern Ocean* would be prevented in the future due to pending amendments to its national laws and the newly introduced Ministerial Directive.

Conservation Measure 10-09

46. SCIC considered the proposal by New Zealand to modify CM 10-09 (CCAMLR-38/28) to include more specific details on the information provided in transshipment notifications and introduced a mechanism for confirming the details of completed transshipments. The proposal also contained provisions enabling all transshipment information to be made available on the secure section of the CCAMLR website to support inspection and catch verification. SCIC recognised that the proposal intended to improve transparency and support the CDS and CCAMLR's inspection regimes.

47. Some Members noted the need to prevent duplication of data wherever possible and would support electronic reporting where available. Many Members thanked New Zealand for its work. SCIC agreed to refer the proposal to the Commission with a view to its subsequent adoption.

48. SCIC considered the proposal by the EU (CCAMLR/38/17), which introduced referencing in CM 10-09 to the general prohibitions on transshipment contained in CMs 91-03 and 91-05. SCIC agreed that the prohibitions on transshipment in CMs 91-03 and 91-05 were clear, and some Members considered that the cross-referencing was unnecessary. Members in support of the proposal noted cross-referencing exists elsewhere within conservation measures and that the proposed amendment created a safeguard and would provide certainty. SCIC thanked the EU but was unable to reach consensus on the proposal. Some Members expressed their disappointment that the proposal could not be progressed.

Conservation Measure 26-01

49. SCIC considered the proposal by the EU to amend CM 26-01 to prohibit the dumping and discharge of plastics, oil and fuel products throughout the Convention Area (CCAMLR-38/18). The proposal emphasised that the prohibition on dumping and discharge would not apply where necessary for safety purposes, or when all reasonable precautions had been taken

to secure and prevent the loss of plastics from vessels. The EU noted that the current conservation measure only prohibits dumping and discharge south of 60°S latitude, and that the proposal was consistent with the MARPOL 73/78 Convention and its annexes.

50. Japan, whilst supporting the principle of preventing plastic pollution in the Convention Area, considered that the issue of marine pollution is under the auspices of MARPOL and that some of the proposed provisions are beyond the mandate of CCAMLR. This position was also supported by some Members who considered that more detail regarding the definition of plastic pollution was required.

51. Other Members disagreed and considered that it was within CCAMLR's mandate to enhance environmental protections in the Convention Area. Many Members supported the proposal noting that it strengthens current measures.

52. Noting the need for further dialogue among Members, SCIC agreed to refer the proposal to the Commission.

Conservation Measure 32-18

53. SCIC considered the proposal submitted by Argentina, Australia, the EU, Norway, Uruguay and USA to prohibit the finning of sharks caught in the Convention Area (CCAMLR-38/08 Rev. 1). The paper noted that whilst CM 32-18 prohibits direct fishing of shark species and encouraged the return to the sea of incidentally caught sharks alive where possible, it does not provide an enforceable prohibition on shark finning. The proposal highlighted that CCAMLR is lagging behind several regional fisheries management organisations (RFMOs) in addressing this issue. The proponents noted that a requirement to leave fins naturally attached would allow for better species identification of sharks and contribute to the conservation of sharks within the Convention Area.

54. Japan showed its strong opposition highlighting reasons it had previously provided to SCIC in not supporting the proposal: (i) that the practice of shark finning had never been observed in the Convention Area and (ii) that the total catch of sharks caught as by-catch was very small and mainly taken by a few Members in their exclusive economic zones (EEZs). Japan expressed disappointment that the word 'finning' was again used in a misleading manner in the proposal, as in the previous similar proposals, which is the practice of removing fins from a shark's body, with the retention of fins while the body is discarded (definition by the International Union for the Conservation of Nature and Natural Resources – the World Conservation Union (IUCN)). Japan explained that it should not be regarded as 'finning' to remove fins from a shark's body and retain both fins and body for food and other uses. Japan appealed to the proponents not to describe the two practices in a combined manner, affirming that Japan is strongly opposed to 'finning' which contradicts sustainable use.

55. China expressed concern with the continuous discussion of this issue and emphasised that discussion about such proposals should be based on the best available scientific advice. China recalled advice from the Scientific Committee (SC-CAMLR-XXXVII, paragraph 5.3) regarding the necessity for better identification and data collection to quantify shark by-catch rates within the Convention Area and noted that this is consistent with the Food and Agriculture Organization of the United Nations (FAO) International Plan of Action for Conservation and Management of Sharks.

56. Many Members expressed strong support for the proposal and highlighted that the proposed revisions to CM 32-18 had important ecosystem protection benefits, and the prevention of irrational use of Antarctic marine living resources.

57. No consensus was reached on the proposal and it was referred to the Commission.

Southern Ocean Cooperation Platform

58. SCIC considered the proposal by the EU to promote the creation of a Southern Ocean Cooperation Platform (SOCP) (CCAMLR-38/19). The proposal noted that since the creation of CCAMLR, three RFMOs have been created adjacent to the Convention Area, where species, in particular Patagonian toothfish (*Dissostichus eleginoides*), are harvested commercially. The EU considered that the formation of the SOCP would enhance coordination and collaboration between CCAMLR and adjacent RFMOs and promote the long-term conservation and sustainable use of fisheries resources and ecosystems across management organisations.

59. Many Members recognised the importance of cooperation with adjacent RFMOs, noting that there were already a number of existing memorandums of understanding (MoUs) between CCAMLR and neighbouring RFMOs. Members expressed concern that the proposal created administrative, budgetary and resource burdens on the Secretariat, and in particular that this could impede the work of the Secretariat in supporting CCAMLR annual meetings, given the timing of the initial SOCP was proposed to fall during WG-FSA. Some Members also expressed concerns regarding differences in membership, procedures and objectives between CCAMLR and RFMOs. Australia expressed appreciation for the idea noting that it was interested in exploring ways to cooperate in the management of toothfish between CCAMLR and the Southern Indian Ocean Fisheries Agreement (SIOFA). Australia considered that all Members have a responsibility, both legal and moral, to ensure that their actions outside the Convention Area do not undermine the Convention or CCAMLR conservation measures where there is a connection with CCAMLR. Australia noted that the maturity and success of CCAMLR in managing toothfish would be beneficial to RFMOs.

60. SCIC could not reach consensus about this EU proposal.

61. The UK recalled Resolution 10/XII which provides that:

‘Members should ensure that their flag vessels conduct harvesting of such stocks in areas adjacent to the Convention Area responsibly and with due respect for the conservation measures it has adopted under the Convention.’

Vessel cap in the exploratory toothfish fisheries in Subareas 88.1 and 88.2

62. SCIC considered New Zealand’s submission (CCAMLR-38/26) for a vessel cap of four vessels per Member in the exploratory toothfish fisheries in Subareas 88.1 and 88.2, highlighting that the status quo of unlimited capacity is not in line with the objective of the Convention.

63. Some Members expressed their support for capacity management in CCAMLR fisheries. Several Members highlighted that other capacity limiting measures should also be considered in conjunction with the proposed vessel cap to ensure a proposed scheme was based upon best available science, and that a proposal should ensure equitable future access to CCAMLR fisheries. SCIC encouraged Members to continue to consider approaches to capacity management in the intersessional period.

CCAMLR Compliance Evaluation Procedure (CCEP)

Report from Korea on vessel activities

64. SCIC considered the follow-up report from Korea (CCAMLR-38/BG/36), requested by SCIC-2018 (CCAMLR-XXXVII, Annex 6, paragraphs 76 to 81). Building on the regular updates Korea provided between SCIC-2018 and SCIC-2019 (COMM CIRC 19/21 and COMM CIRC 19/74) on further actions taken against the *Hong Jin No. 701* and *Southern Ocean*, Korea reported the outcome of the pending prosecution as follows: the Prosecutor's Office made a decision to suspend the indictment on 26 December 2018 and the case was closed. Korea also reported the progress to strengthen its internal legal framework through amending the Distant Water Fisheries Development Act. Korea explained that the main element of the proposed amendment is to introduce an administrative sanctions mechanism to the Act to make the enforcement of sanctions more efficient and effective. Korea also explained the proposed amendment is progressing through the relevant sub-committees of the National Assembly and will be finally put forward to the Plenary of the National Assembly in due time. Korea will keep CCAMLR Members updated.

65. SCIC noted that, whilst it was disappointing that catch from the *Southern Ocean* had been allowed to enter international trade, Korea had taken swift action to ensure that would not occur in the future by issuing a new Ministerial Directive implementing CM 10-05.

66. SCIC congratulated Korea on its ongoing efforts to amend its legislation to enable it to more effectively address IUU fishing, including by authorising administrative sanctions to be applied in cases where criminal prosecution is inappropriate or unavailable. SCIC appreciated the detailed information provided by Korea during the intersessional period and looked forward to future updates.

67. SCIC recognised that no further action was required to address the cases involving the *Hong Jin No. 701* and *Southern Ocean*.

Provisional Compliance Report

68. In accordance with CM 10-10, paragraph 3(i), SCIC considered the 16 potential compliance incidents in the CCAMLR Compliance Evaluation Procedure (CCEP) Summary Report (CCAMLR-38/13 Rev. 2, Annex 1)

69. Following ad hoc consultation of Members, SCIC adopted, for further consideration by the Commission, its annual Provisional Compliance Report (Appendix I) in accordance with CM 10-10. In doing so, it noted that it did not reach consensus regarding the compliance status

(non-compliance Level 1 or 2) in two cases and, consequently, did not record a compliance status in the respective sections of the Provisional Compliance Report. SCIC agreed that this process should not set a precedent and that SCIC should work hard to avoid a repeat of this outcome in the future.

Conservation Measure 10-03

70. SCIC considered the implementation of CM 10-03 by Chile regarding instances of port inspections not conducted within the 48-hour timeframe required by CM 10-03, paragraph 5, and instances where port inspection reports were not transmitted to the Secretariat within the timeframe required by CM 10-03, paragraph 8. Chile noted that delays in conducting inspections were due to adverse weather conditions which prevented inspectors from accessing vessels. Chile advised inspection report form transmission delays were due to administrative issues, however, it noted that in those cases the inspections were conducted within the 48-hour timeframe.

71. SCIC noted that there were several Members which had compliance events included on the Draft CCEP Report with regard to CM 10-03, paragraph 5, and that Members responses frequently indicated delays were based on weather conditions precluding safe access by inspectors. Many Members considered that these instances should be treated consistently when considering a compliance status. SCIC noted that adverse weather conditions and other safety concerns constituted a valid reason for delays in conducting inspections.

72. Some Members observed that delays caused by accessibility and safety issues do not constitute non-compliance, and in some cases Members suggested a preliminary compliance status of minor non-compliant. Some Members noted that a status of 'No compliance status assigned' could be available in accordance with CM 10-10, Annex 10-10/B, although others considered that this may not be applicable in the case of a vessel in port.

73. SCIC considered the implementation of CM 10-03 by South Africa regarding instances of port inspections not conducted within the 48-hour timeframe required by CM 10-03, paragraph 5, and instances where port inspection reports were not transmitted to the Secretariat within the timeframe required by CM 10-03, paragraph 8. South Africa informed SCIC that delays in the conduct of inspections were due to the availability of inspectors over weekends and public holidays and transmission delays were due to technical and administrative issues. South Africa explained the steps being implemented to limit port access over weekends in vessel permit conditions and enhancements to its systems to allow for timely transmission of inspection reports.

74. Some Members noted that the late submission of reports due to administrative issues was common and considered that the compliance status for these issues should be aligned. SCIC revised the compliance status for the administrative issues outlined by South Africa to minor non-compliant (Level 1).

75. SCIC considered the implementation of CM 10-03 by the UK regarding a port inspection not conducted within the 48-hour timeframe required by CM 10-03, paragraph 5. The UK noted that, as with other Members, weather conditions had prevented inspectors from safely accessing the vessel. The UK agreed that this case should be assessed consistently with other similar cases and supported a review of CM 10-03 to reflect this issue.

76. SCIC considered the implementation of CM 10-03 by Uruguay regarding instances of port inspections not conducted within the 48-hour timeframe required by CM 10-03, paragraph 5, and instances where port inspection reports were not transmitted to the Secretariat within the timeframe required by CM 10-03, paragraph 8. Uruguay noted that, as in cases involving other Members, weather conditions had not allowed safe vessel access on two occasions. The remaining inspection was not conducted within the 48-hour timeframe due to a public holiday on which inspectors were not permitted to work but was conducted on the first day following the holiday.

Conservation Measure 21-02

77. Ukraine noted that its responses to the CCEP were provided after the due date and hence were not reflected in the Summary report, however, the information was circulated to Members prior to the meeting. SCIC considered the implementation of CM 21-02 by Ukraine. The CCEP Summary report concerned a discrepancy between the gear specified in the notification, and the gear reported on board the vessel and Ukraine's response that the information provided in the vessel notification was incorrect, however, it had undertaken an investigation and provided details as to the correct gear specifications.

78. The USA noted with concern that the incident described could affect the sink rate of gear, and that the response now provided addressed that concern, however, the delayed timing of the response had hindered its ability to assess the incident. The USA, supported by the EU, noted that whilst information regarding compliance issues on Ukrainian vessels had been circulated in COMM CIRC 19/107, they considered it particularly important for Members to provide details on CCEP issues by the specified deadline, to ensure adequate time to consider issues raised in the CCEP.

Conservation Measure 22-07

79. SCIC considered the implementation of CM 22-07 by Ukraine. Ukraine noted that the vessel had correctly marked its gear at the 1 200 m intervals specified by the conservation measure, however, the vessel had not correctly marked all line segment midpoints, and where this had not occurred, the midpoint positions had been approximated by the vessel.

80. The USA noted that this issue may have impeded the work of observers on the vessel and questioned if corrective action had been undertaken. Ukraine clarified that instructions had been sent to the vessel to ensure correct gear marking would occur this season.

Conservation Measure 23-04

81. SCIC considered the implementation of CM 23-04 by Ukraine. Ukraine considered that the conservation measure had been wrongly interpreted by the vessel and commented that the recording of liced and damaged fish was unable to be undertaken using the current C2 form. Ukraine also noted the discussion that had taken place at WG-FSA-2019 regarding the development of a new C2 form which may address this issue.

82. SCIC considered that all catch is required to be reported in CCAMLR fisheries and accepted the clarification provided by the Secretariat that damaged and iced fish were able to be reported on the current vessel data form (WG-FSA-2019 report, paragraph 2.22).

Conservation Measure 25-03

83. SCIC considered the implementation of CM 25-03 by Norway. Norway provided a detailed explanation to SCIC on the net monitor cables used by its vessels, noting that the cables were necessary due to bandwidth and battery limitations with current wireless technologies, and that it is an operational requirement by vessels to closely monitor net positions when harvesting krill. Norway noted that whilst two of its vessels were cited in the report, a third vessel had been using this system for nine years and had never been recorded as having a compliance issue within CCAMLR.

84. SCIC noted the advice provided by the Scientific Committee Chair (Dr M. Belchier (UK)) on net monitoring cables (paragraph 129). Some Members noted that wording of the conservation measure was unambiguous, and that Norway had sought a derogation of this conservation measure to trial net monitor cables in 2016 (SC-CAMLR-XXXV, paragraphs 4.10 to 4.13), indicating it was aware of net monitoring cable requirements. Additionally, some Members noted the statement by Norway that one vessel had continuously used a net monitoring cable for nine years suggested that the preliminary compliance status suggested by Norway was inadequate, and that the fact that it had not been previously identified through the CCEP was not relevant.

85. Other Members considered that there was ambiguity in the definition of a net monitoring cable in CM 25-03, and that the rigging developed by Norway could be considered very different to net monitoring cables deployed in traditional trawl systems, therefore, the conservation measure needed to be updated to reflect this. Norway considered that the cable system provided a very low risk to seabirds due to its close alignment with the warp cable, and noted that by using alternative wireless systems, this may pose a greater risk to seabirds as the nets would need to be hauled and shot more frequently. To provide further information on the issue, including on the interactions with seabirds, SCIC later sought advice from the Chair of the Scientific Committee (paragraph 129).

86. SCIC could not reach consensus on whether the infringement was a Level 1 or Level 2 non-compliance.

Conservation Measure 26-01

87. SCIC considered the implementation of CM 26-01 by Ukraine for two issues regarding the discharge of sewerage south of 60°S latitude and offal not retained on board a vessel. Ukraine noted that in the case of the sewage discharge, the vessel was equipped with a sewage treatment plant rated to MARPOL specifications and provided a certificate of compliance regarding this. Ukraine also noted that in the case of the offal not retained on the vessel, this was due to a grating being removed whilst cleaning a blocked draining chute that had frozen.

88. Members reiterated the comment on the difficulty of assessing the information provided by Ukraine, as it was not submitted by the deadline for responses to the Draft CCEP report. Ukraine expressed that there had been administrative difficulties and that it understood the importance of providing a timely response. Some Members also noted that it would be difficult for a Scheme of International Scientific Observation (SISO) observer to determine if discharge was treated sewage, and whether a treatment plant was operating correctly. Other Members considered that it would be useful to seek additional information regarding the observer report to clarify what exactly it noted.

89. South Africa provided a statement from the SISO report, noting that the report had been signed off by the Ukrainian observer also present on the vessel. Ukraine noted that there may have been some miscommunication between observers and crew which had resulted in this information being tabled in the report. Ukraine accepted the suggested status of ‘additional information required’ and undertook to provide a report to SCIC in 2020 to ensure that the discrepancy between the observer report and the Ukrainian statement is explained.

90. The USA noted the report on offal found in toothfish stomachs provided by New Zealand (CCAMLR-38/BG/34) and questioned whether the offal discovered may have come from this vessel. Many Members noted that it would be difficult to determine exactly where the offal had originated from and given that the observer report stated a high level of discharge for only a single day, it would be unlikely to be from this discharge incident. SCIC agreed to assign a minor non-compliant status (Level 1).

Conservation Measure 91-05

91. SCIC considered the non-compliance of UK vessels of CM 91-05 of the prohibition of transshipments in the MPA. The UK noted a transshipment of spare parts had taken place between two of its vessels (belonging to the same company), and the Secretariat had been notified of this activity both prior to it taking place and after it took place in accordance with CM 10-09. However, as the transshipment had occurred within the Ross Sea region MPA, the activity was in breach of CM 91-05. The UK confirmed that the UK, as the Flag State, has issued a written warning to the company, that the company has revised its internal procedures in light of this and that the company, as a result of this breach, paid £10 000 into the CCAMLR MPA Special Fund. The UK proposed a provisional compliance rating of minor non-compliant (Level 1).

92. Some Members considered that the issue should have been identified as two separate compliance issues given that two vessels were involved and, in their view, the compliance status is assigned to the vessel and not to a compliance event. Other Members considered it appropriate to treat the matter as a single compliance event given that transshipment was an activity that required two vessels to complete, and the activity occurred between vessels belonging to the same company and of the same Flag State.

93. In light of the company revising its internal procedures after this non-compliance, China highlighted the obligation of Contracting Parties to provide a copy of CM 91-05 to all licensed vessels. The UK confirmed that it had complied with the obligation to provide full sets of conservation measures prior to this incident.

94. As the wording in CM 91-05 is unambiguous regarding a prohibition on transshipment, some Members noted that for consistency the issue should be categorised as non-compliant (Level 2). Additionally, as the conservation measure infringement had taken place within the MPA, some Members noted that any detrimental impacts from the activity may have significantly impacted a designated protected area.

95. Other Members considered that the UK had addressed the issue appropriately through responsible Flag State action to implement the conservation measure as well as by taking swift and decisive action against the vessels involved when the non-compliance occurred, and that the transshipment was of a small number of items other than Antarctic marine living resources. Additionally, as the vessels had correctly notified the Secretariat of the transshipment activity, both prior to and following the activity under the requirements of CM 10-09, it was a single occurrence of non-compliance by the vessels.

96. SCIC could not reach consensus on whether the non-compliance was a Level 1 or Level 2.

Late removal of fishing gear

97. SCIC considered investigations by the Australia, New Zealand, Spain, Ukraine and the UK into the late removal of fishing gear following a fishery closure notification (CCAMLR-38/BG/41; COMM CIRCs 19/05, 19/12, 19/73, 19/78 and 19/108). SCIC noted Members' responses which explained that several factors led to the delay in retrieving gear, including that ice conditions were such that lines were not able to be retrieved in a timely fashion, lines that were snagged on the sea floor required extended grappling for retrieval by vessels, and that large numbers of hooks deployed by some vessels at the time the closure notification was issued required considerable hauling time and effort. These factors resulted in lines remaining in the water after the closure of the fishery.

98. SCIC noted that investigations conducted by the relevant Members found that their flagged vessels followed all requirements laid out in CM 31-02, including that no lines were set in the 24 hours leading up to the closure of the fishery and that all notification requirements were fulfilled. In all cases, the findings of the investigations concluded that no breach of CM 31-02 occurred and, therefore, no further action was required.

Review of Conservation Measure 10-10

99. SCIC considered the recommendations provided by the Secretariat in CCAMLR-38/13 Rev. 2, noting that the recommendation on VMS analysis had been withdrawn. SCIC provided the following advice on the recommendations:

- (i) SCIC noted that CM 10-10 already applies to States Party to the Convention but not Members of the Commission (Acceding States), and they have the ability to respond to issues through the CCEP and at meetings. SCIC agreed that Acceding States will be considered in the CCEP for assessment for the 2019/20 season as a trial. SCIC also agreed to conduct a review of the trial and decide whether the CCEP for Acceding States should be continued or not.

- (ii) SCIC supported the recommendation to amending the evaluation period contained in CM 10-10, paragraph 1(i), to the period from 1 July to 30 June.
- (iii) SCIC supported the proposal by Uruguay and supported by many Members to amend to CM 10-03 to provide an exception to the requirement that vessels be inspected within 48 hours when the vessel cannot be safely accessed by inspectors.

100. Korea expressed its concern with the current requirement under CM 10-10 regarding the application of a compliance status agreed by consensus. Korea recognised that whilst having defined and tiered compliance statuses has merit, the consideration of the status often deviates Members from the true purpose of compliance evaluation, which is reviewing Contracting Parties' compliance and any subsequent actions that have been taken to ensure full compliance with CCAMLR conservation measures and advice. Korea noted that Members have been distracted from reviewing what happened, how it was addressed and what actions need to be taken, which they believe should be the main focus of this process. Therefore, Korea expressed its concern that Member discussion on compliance status focuses on prolonged arguments over whether a certain non-compliance should be Level 1 or 2, while sacrificing valuable time and energy that should be invested in more important discussions on actions to improve compliance, and discussions on amendments of conservation measures to better meet the objectives of the Convention.

101. Several Members thanked Korea and shared its concerns that the current process loses sight of the bigger objective, which is to improve compliance and to promote the effective implementation of the Convention and its conservation measures. These Members noted the importance of focusing on follow-up actions rather than focusing simply on compliance statuses. New Zealand noted that the lack of defined mechanisms and reference documents makes assessing a compliance status difficult and inconsistent between years.

102. Other Members also noted that the use of a defined status is the result of the SCIC discussion on compliance, and not the aim of the discussion itself, and the removal of a status listing would result in every event being automatically considered in a negative fashion. Furthermore, the lack of a compliance status would provide no indication of the seriousness of the compliance event.

103. SCIC reiterated that consensus decision-making is a fundamental element of the CCAMLR Rules of Procedure. SCIC agreed that there are broad interests in reviewing the mechanisms of compliance evaluation, and how the application of a compliance status is determined but could not reach consensus on any particular recommendations to the Commission for amending CM 10-10 and, therefore, recommended work be undertaken intersessionally by interested Members.

Illegal, unreported and unregulated (IUU) fishing in the Convention Area

Current level of IUU fishing

104. The Secretariat introduced CCAMLR-38/12 Rev. 1 on IUU fishing activity and trends in 2018/19 and advised that the paper had also been discussed by WG-FSA (WG-FSA-2019 report, paragraphs 2.1 and 2.2). SCIC noted that no vessels on the NCP-IUU Vessel List had been sighted within the Convention Area during this period. SCIC noted that the number of IUU vessel sightings in the Convention Area had shown a steady decline over time with the last reported sighting in 2016.

105. SCIC considered CCAMLR-38/BG/17 Rev. 1 which reported on intersessional work conducted with Members by the Secretariat to develop draft technical guidelines to assist vessels which encounter unidentified fishing gear in the Convention Area. SCIC noted the recommendation in the report to consider further continued development of the technical guidelines through the unidentified fishing gear in the Convention Area e-group as Member engagement in the process had been minimal.

106. SCIC considered observations on IUU fishing in the French EEZ (CCAMLR-38/BG/38) in 2018/19. SCIC noted that satellite surveillance systems were supplemented this year with global positioning system (GPS) tags deployed on albatrosses. These tags can detect radar emissions from vessels. No IUU fishing activities were reported and no suspicious radar activities were detected, however, licensed fishing vessels undertook three recoveries of unidentified fishing gear in the waters surrounding the Kerguelen Islands and one recovery of unidentified fishing gear in the waters surrounding the Crozet Islands. SCIC thanked France for its continued efforts to combat IUU fishing in the Convention Area.

107. Australia expressed its sincere gratitude to France for its continued cooperative effort in the undertaking of joint monitoring and surveillance activities across the Kerguelen Plateau.

108. SCIC noted the interim report submitted by INTERPOL (CCAMLR-38/BG/05) in accordance with the funding agreement between CCAMLR and INTERPOL. The INTERPOL report provided information on coordination and exchange of information on vessels of interest to CCAMLR:

- (i) the *Nika*, which is owned by the same company as the NCP-IUU-listed vessel *STS-50* (formerly *Andrey Dolgov*)
- (ii) the NCP-IUU-listed vessel *Hai Lung*, which is noted as being now named *Jinzhang*, and Bolivian-flagged fishing vessel *Cape Flower*, which landed approximately 100 tonnes of toothfish in the port of Manta, Ecuador, in mid-April 2016.

109. SCIC welcomed INTERPOL's report and expressed appreciation for its work in coordinating efforts to apprehend the *Nika*, and the multinational efforts in partnership with INTERPOL in combating IUU fishing activities worldwide. SCIC supported further cooperation between CCAMLR and INTERPOL, particularly for investigations into the *STS-50* and *Nika*. It was noted that invitations to assist in the investigations of these vessels had been issued by INTERPOL to Members. The USA encouraged such Members to engage with INTERPOL in order to advance these investigations in meeting CCAMLR obligations for control of Members' nationals and vessels.

Pre-season vessel activity

110. SCIC considered reports from Australia, Korea, New Zealand, Norway, Russia, Spain, Ukraine and the UK (CCAMLR-38/BG/21 and BG/49) on pre-season vessel activity in Subarea 88.1, as requested by SCIC-2018 (SCIC-2018 report, paragraph 113). Reports from Australia, Korea, New Zealand, Norway, Spain, Ukraine and the UK were noted by SCIC.

111. Russia queried the report on the unknown gear retrieved by the Korean vessel *Sunstar* to clarify whether the gear had baited hooks when hauled, if the gear showed any signs of degradation and whether any further gear analysis had been performed. Korea responded that the gear report was received directly from the fishing master at the time of the event. Korea further added that the *Sunstar* master had noted that the gear was in good order and the master could find the gear because of the buoy light. New Zealand noted it had requested high-resolution photos from the *Sunstar* and these showed that there was still bait attached to hooks.

112. The USA requested whether any analysis had been done on the radio buoy to determine if it was a continuously transmitting model or transmission on demand type. Korea responded that the retrieved gear had been disposed of at a port reception facility without a technical analysis of the gear. The USA recommended that in future any unidentified gear recovered should be retained, as they can be analysed in detail potentially in cooperation with INTERPOL.

113. Russia presented its report on the pre-season vessel activity of the *Palmer* and *Mys Velikan*, noting its investigation found no evidence that either of the Russian vessels had set the unidentified gear retrieved by the *Sunstar*. The EU requested Russia clarify the comment in its report which noted that the gear retrieved by the *Sunstar* was considered to be a year old. Russia stated that the SISO observer deployed on the *Sunstar* had assessed the gear that was retrieved as being old due to the scuffed and torn mainline, lack of paint on the buoy and absence of bait on hooks. Some Members noted that Russia had only provided VMS information for one vessel of a subset of the days that other Members had considered and only with respect to daily position information derived through VMS. Russia confirmed that it had analysed in full the entire information when preparing its report.

114. SCIC deliberated on the information in the report presented by Russia. New Zealand presented several photos from a pre-departure port inspection conducted under New Zealand domestic legislation: (i) high-resolution images of hooks and snoods taken by the crew of the *Sunstar* and (ii) images taken during an inspection under the System of Inspection. Some Members noted differences between these images and the photo of the *Palmer's* gear provided in the Russian report, as well as the similarities between these images and the photos of the unidentified gear retrieved by the *Sunstar*. Members made several requests for VMS, observer reports and data, and catch data analysis that may be available to better inform SCIC as to the activities of the *Palmer* at the time the unidentified fishing gear was encountered. A short presentation of VMS data to SCIC was agreed to by those Members with vessels in close proximity to the recovered gear for the period 18 to 30 November 2017, with the exception of Russia.

115. Russia noted that the System of Inspection report from New Zealand did not contain the photographs presented to SCIC and clarified that the reports received from both New Zealand and the Secretariat as required under the terms of the System of Inspection were identical, and that the pre-season inspection conducted by New Zealand was not a CCAMLR requirement. New Zealand noted that all photographic material from the inspection undertaken in accordance with the System of Inspection had been provided to the Secretariat within the required timeframe, however, as the quantity of material was considerable, it was provided separate to the System of Inspection report. The Secretariat confirmed that these materials were received from New Zealand in good order but noted that it could not confirm that they had been forwarded to Russia as required. These materials were provided to Russia during the meeting more than a year and a half later and some Members agreed that from here Russia should have adequate opportunity to review the information that it had just received. Some Members

recalled that the purpose of this exercise was to determine the origin of the unidentified gear so that further action could be taken. New Zealand noted that it had shared one low-resolution printed copy photo with the Russian Delegation one week before the Commission meeting.

116. In response to this, Russia noted that in contradiction to paragraph VIII of the Text of the System of Inspection, the photographic and video materials in question were not provided to the Flag State of the inspected vessel in time indicated therein (it is stipulated that there are 15 days for forwarding such information from the inspector to the Designating Member, 15 days from a Designating Member to the Secretariat and 7 days from the Secretariat to the Flag State).

117. Russia further stated that this fact in context of the re-emergence of such materials only at this stage should be considered as a breach of the requirements of the System of Inspection. In response many Members noted that New Zealand had acted consistently with the System of Inspection.

118. Nevertheless, Russia agreed to undertake further evaluation of relevant photographic materials and videos presented by New Zealand during SCIC in connection with the previous review of longline vessel activity in the area at the time the *Sunstar* retrieved gear in Subarea 88.1 prior to the start of the 2017/18 season (CCAMLR-XXXVII, Annex 6, paragraph 114) and will be ready to provide outcomes of such a review prior to the next SCIC meeting.

119. Many Members commended Russia on its willingness to conduct a further investigation into the pre-season vessel activity by the *Palmer*. These Members requested that such a report be provided to the Commission within 45 days by COMM CIRC and include an analysis of the following elements:

- (i) detailed VMS data for the time period 18 to 30 November 2017 as held by the Secretariat
- (ii) information from the SISO observer cruise report for the *Sunstar* and from the domestic observer on the *Palmer*, including any photographs of the fishing gear taken on board the vessels
- (iii) SISO observer data as submitted to the CCAMLR Secretariat from the *Palmer* and the *Sunstar*, including any photographs of the fishing gear taken onboard the vessels
- (iv) daily catch and effort reports, monthly fine-scale catch and efforts reports (C2) and CDS data from the *Palmer* for relevant periods in 2017/18 which have been submitted by to the Secretariat
- (v) relevant imagery from inspection of the *Palmer* conducted by any Member under the System of Inspection.

IUU Vessel Lists

120. SCIC considered the 2019/20 Provisional NCP-IUU Vessel List and the Provisional Contracting Party-IUU Vessel List for 2019. The Secretariat noted that there had been no

additions to the NCP-IUU Vessel List and recommended that the Commission consider the information on the current vessel details of the NCP-IUU-listed *Hai Lung* and update the vessel details on the NCP-IUU Vessel List to reflect the current known name of the vessel as *Jinzhang* as proposed in CCAMLR-38/12 Rev. 1, Annex 1.

121. Australia informed SCIC that, contrary to the information provided, it had undertaken informal engagement with Iran in 2011 regarding the NCP-IUU-listed vessel *Koosha 4*.

122. The EU also noted updated information submitted to the Secretariat on the vessel *Sea Urchin* (COMM CIRC 19/109).

123. SCIC noted the correspondence with Angola regarding the NCP-IUU-listed *Northern Warrior* (CCAMLR-38/BG/60 Rev. 1). The EU highlighted with concern the inappropriate tone of the letter from Angola, also noting that the content touched upon matters not directly related to CM 10-07 and that there was a clear lack of understanding of the procedure of the Commission. Spain joined what the EU had stated.

124. The NCP-IUU Vessel List for 2019/20, which notes the change of name of the *Hai Lung* to the *Jinzhang* and reflects the unknown Flag status of the *Sea Urchin* as The Gambia/Stateless, as agreed by SCIC, is provided in Appendix II for adoption by the Commission.

Fishery notifications

125. SCIC considered fishery notifications received for exploratory fisheries for toothfish and established fisheries for krill for 2019/20 (CCAMLR-38/BG/07 Rev. 1). The Secretariat had received all fishery notifications on time for the upcoming 2019/20 season with no withdrawal of fishery notifications prior to the meeting.

126. SCIC considered the implementation of procedures to monitor and forecast closures in CCAMLR fisheries in the 2018/19 season (CCAMLR-38/BG/12). SCIC noted that the key challenges for the application of the procedures were associated with a number of vessels reporting an intention to fish but subsequently did not set gear, a reduction in number of hooks deployed during season progression, meteorological conditions, poor fishing conditions and effort distribution. SCIC noted that despite these challenges, the new arrangement to manage all areas outside the Ross Sea region MPA under a single catch limit (CM 41-09, paragraph 2i) worked well, delivering 98% of the catch limit.

127. Russia recalled COMM CIRC 18/114, highlighting the need to clarify the operational management of the Ross Sea region toothfish fishery.

Advice from the Scientific Committee to SCIC

128. SCIC considered advice from the Chair of the Scientific Committee in respect of risk of bird strikes posed by net monitoring cables used on Norwegian krill vessels with continuous trawl fishing systems, the process for managing quarantined data, how unidentified gear would impact on CCAMLR fisheries assessments and how historical performance of vessels is used when assessing exploratory fishery research plans.

Net monitoring cables

129. The Chair of the Scientific Committee noted that net monitoring cables are not clearly defined in conservation measures, however, in conventional trawl systems, monitoring cables do present a considerable risk of bird strikes due to their aerial extent, small profile and the distance from the vessel to the air/sea cable interface. Additionally, the Chair of the Scientific Committee noted that different approaches to the rigging and deploying of net monitoring cables may reduce the risk posed to birds and provide substantial amount of scientific information, including more accurate and real-time catch data both temporally and spatially as well as location of by-catch, although further research and data is required before any conclusions can be made.

Process for managing quarantined data

130. The Chair of the Scientific Committee noted that quarantined data exists within CCAMLR data holdings and is confined to toothfish data collected over the last 10 years. The Chair of the Scientific Committee clarified that data are classified as quarantined when research and analysis have shown clear discrepancies that require further investigation. Data are still available for use by Members, however, they are flagged and should be treated with caution before drawing conclusions. He noted that there is an established process of data investigation, whereby the contributing Member should present information to the Scientific Committee's working groups, who consider whether the data discrepancies have been addressed. However, some data remain in a quarantined state. The Chair of the Scientific Committee confirmed that no quarantine data have been used when developing stock assessment advice.

131. The Chair of the Scientific Committee was asked if the Scientific Committee was aware that a vessel whose data had been quarantined had not recorded non-retained, damaged and/or liced toothfish. The Scientific Committee Chair advised that he was not aware of this but would take the matter back to the Scientific Committee for further consideration.

Unidentified gear

132. With particular reference to the 2017/18 season, the Chair of the Scientific Committee noted that the impacts of unidentified gear may have significant impacts on fisheries assessments, dependent on the quantity of unidentified gear and associated catch.

Exploratory fishery research plans

133. The Chair of the Scientific Committee clarified that the process for assessing exploratory fishery research plans proposed by Members followed a comprehensive checklist developed over several years by WG-SAM and WG-FSA. This assessment includes both on- and off-water activities. A number of metrics are used in the assessment, including tag-detection and tag-survival rates, which are calculated using a process developed by New Zealand and endorsed by the Scientific Committee. He noted that rates vary between vessels and that, although the discussions on this issue were still ongoing in the Scientific Committee, during

WG-SAM-2019 concerns were expressed that the vessel *Palmer* exhibited particularly low tag-detection and survival rates, despite deploying a high number of tags, suggesting a high mortality of tagged fish post-release.

134. The Chair of the Scientific Committee noted a number of possible explanations as to why a vessel may have a low tag-detection rate. These included poor tagging practices and poor tag survivorship leading to high mortality of tagged fish.

135. SCIC thanked the Chair of the Scientific Committee for his time.

Consideration of the Second Performance Review

136. SCIC considered the progress report of the Second Performance Review (PR2) (CCAMLR-38/11) which provided a summary of actions taken since CCAMLR-XXXVII. SCIC, along with the Commission and Scientific Committee, was encouraged to identify any additional actions.

137. SCIC thanked the Secretariat for compiling the progress report and agreed that no changes were necessary for Recommendations 10, 11, 16, 17 and 18. SCIC noted that Recommendation 9 had been considered, and that the status of Recommendation 12 shall note the consideration by SCIC of CCAMLR-38/28. SCIC additionally requested a status change for Recommendation 14 to 'ongoing'. In relation to Recommendation 13(iv), the EU noted with concern that there has been no progress on the recommendation from PR2 to adopt a procedure to cross-list IUU vessels and recalled to that effect the EU proposal submitted at CCAMLR-XXXVII. New Zealand supported the EU intervention and noted that it had submitted a proposal for amendments to CM 10-02 which is not about cross-listing but rather relates to Contracting Parties not being able to licence IUU-listed vessels.

Other business

138. SCIC noted that increasing numbers of participants are attending SCIC and the Commission, and that the CCAMLR Headquarters building is at capacity to host the SCIC and Scientific Committee meetings simultaneously in the same building. The Secretariat presented some options under consideration, including:

- (i) making no change – the current situation is acceptable
- (ii) limiting attendance by Observer delegations to two per delegation and providing overflow seating in the library with audio-visual connection to SCIC. Noting that this would limit the ability to utilise the library as a meeting room while SCIC was in session
- (iii) limiting the attendance of Observer delegations to the Commission meeting (e.g. to 10), or other solutions involving the whole Commission meeting and its meeting timing (recognising that such a decision would have to be taken by the Commission, not SCIC)

- (iv) moving the SCIC meeting to an alternative venue in Hobart, but within a 10-minute walk of the CCAMLR Headquarters building, retaining all current facilities (including interpreting, Secretariat support for proceedings and report adoption)
- (v) other possibilities.

139. SCIC considered that the current facilities were acceptable with the present level of attendance, although may become unworkable if numbers increased. Many Members noted that for smaller delegations holding the meetings on the same premises was essential to enable attendance at the Scientific Committee, SCIC and SCAF and, therefore, SCIC was reluctant to have its meeting held on external premises. SCIC did not support a limit on delegation size. The EU invited larger delegations to reflect on the size of their delegations.

140. The Antarctic and Southern Ocean Coalition (ASOC) presented CCAMLR-38/BG/47 which detailed an update on the development of safety measures for non-SOLAS vessels (vessels not covered under the International Convention for the Safety of Life at Sea Convention), including fishing vessels, by the International Maritime Organization (IMO). The update highlighted the initiatives undertaken for the implementation of the IMO Polar Code. ASOC called on CCAMLR to contribute in furthering the cooperation between the IMO and the Antarctic Treaty System on fishing vessel safety, ship-sourced marine plastics and the collection and analysis of marine mammal data to ensure improved vessel safety and better inform voyage planning in the Antarctic area. ASOC also requested that CCAMLR note the Arctic Council's Arctic Shipping Best Practice Information Forum and agree to collaborate meaningfully in the exchange of best practice.

141. SCIC thanked ASOC for its update and noted CCAMLR's longstanding and continued support of high standards of safety for fishing vessels in the Convention Area. Several Members expressed their support for the development of the Polar Code and noted that CCAMLR also has a responsibility to address vessel safety in line with existing conservation measures and resolutions and as noted in the last performance review.

142. SCIC recommended a proposal by the USA that the existing SISO e-group could be used to gather resources relating to the health and safety of scientific observers, with a view towards identifying resources to recommend for posting in the section of the CCAMLR website entitled 'Information for Technical Coordinators and Scientific Observers'. Any resulting recommendations would be submitted for future consideration of SCIC and the Scientific Committee.

Close of the meeting

143. SCIC thanked Ms Kim for her efforts in guiding SCIC over the last three years.

144. SCIC noted that Ms Kim will continue her current term as Chair of SCIC alongside Ms M. Engelke-Ros (USA) as Vice-Chair. Members offered their best wishes for their upcoming term.

CCAMLR Compliance Evaluation Report 2018/19

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response																		
Conservation Measure 10-03																							
Chile		<p>CM 10-03, paragraph 5, requires that inspections shall be conducted within 48 hours of port entry.</p> <p>In the CCEP reporting period Chile submitted 33 port inspection reports. Monitoring of port inspection reports received by the Secretariat indicates the following inspection(s) that occurred more than 48 hours after the reported port entry of the vessel:</p> <table border="1"> <thead> <tr> <th>Arrival date</th> <th>Inspection date</th> <th>Vessel name</th> <th>Flag</th> <th>Port</th> <th>Inspection delay (hours)</th> </tr> </thead> <tbody> <tr> <td>27-Mar-19</td> <td>30-Mar-19</td> <td><i>Marigolds</i></td> <td>UKR</td> <td>Punta Arenas</td> <td>72</td> </tr> <tr> <td>28-Mar-19</td> <td>01-Apr-19</td> <td><i>Volk Arktiki</i></td> <td>RUS</td> <td>Punta Arenas</td> <td>96</td> </tr> </tbody> </table>	Arrival date	Inspection date	Vessel name	Flag	Port	Inspection delay (hours)	27-Mar-19	30-Mar-19	<i>Marigolds</i>	UKR	Punta Arenas	72	28-Mar-19	01-Apr-19	<i>Volk Arktiki</i>	RUS	Punta Arenas	96	<p>The inspections delay was due to security issues of inspectors, associated with a punctual weather conditions in Punta Arenas during the last days of March 2019 (winds upper 50 knots).</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required.
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Chile		<p>CM 10-03, paragraph 1, requires Contracting Parties to undertake inspection of all vessels carrying <i>Dissostichus</i> spp. which enter their ports. Exceptions to this conservation measure apply to certain areas, vessels and fishing practices described in the footnotes of the conservation measure and the CCAMLR regulatory documents.</p> <p>In the reporting period, Chile had 811 documented landings, including 781 landings from vessels which inspection reports are not required to be submitted to the Secretariat.</p> <p>Secretariat analysis has identified the following landing(s) from the Catch Documentation Scheme for <i>Dissostichus</i> spp. (CDS) for which a corresponding port inspection report does not appear to have been received by the Secretariat.</p> <table border="1"> <thead> <tr> <th>DCD landing date</th> <th>Vessel name</th> <th>Flag</th> <th>Landing Port</th> </tr> </thead> <tbody> <tr> <td>21-Jan-19</td> <td><i>Kostar</i></td> <td>KOR</td> <td>Punta Arenas</td> </tr> <tr> <td>23-Feb-19</td> <td><i>Koreiz</i></td> <td>UKR</td> <td>Punta Arenas</td> </tr> </tbody> </table>	DCD landing date	Vessel name	Flag	Landing Port	21-Jan-19	<i>Kostar</i>	KOR	Punta Arenas	23-Feb-19	<i>Koreiz</i>	UKR	Punta Arenas	<p>Due to an activities control error, the inspection reports were not sent to CCAMLR, however, both were done on time. The pending reports were sent on 3 September 2019.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required.						
DCD landing date	Vessel name	Flag	Landing Port																				
21-Jan-19	<i>Kostar</i>	KOR	Punta Arenas																				
23-Feb-19	<i>Koreiz</i>	UKR	Punta Arenas																				

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response												
Conservation Measure 10-03 (cont.)																	
Chile		<p>Administrative – CM 10-03, paragraph 8, requires the transmission of a port inspection report to the Secretariat within 30 days of the inspection date (or as soon as possible where compliance issues have arisen).</p> <p>The Secretariat received 33 inspections reports from Chile.</p> <p>Three reports received were more than 35 days after the inspection date.</p> <p>The latest a report received was 40 days after inspection.</p>	<p>Internal controls will be improved to minimise the risks of incurring these breaches.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required.												
South Africa		<p>CM 10-03, paragraph 1, requires Contracting Parties to undertake inspection of all vessels carrying <i>Dissostichus</i> spp. which enter their ports. Exceptions to this conservation measure apply to certain areas, vessels and fishing practices described in the footnotes of the conservation measure and the CCAMLR regulatory documents.</p> <p>In the reporting period, South Africa had 18 documented landings.</p> <p>Secretariat analysis has identified the following landing(s) from the CDS for which a corresponding port inspection report does not appear to have been received by the Secretariat.</p> <table border="1" data-bbox="454 903 1093 1015"> <thead> <tr> <th>DCD landing date</th> <th>Vessel name</th> <th>Flag</th> <th>Landing Port</th> </tr> </thead> <tbody> <tr> <td>08-Mar-19</td> <td><i>Hong Jin No. 707</i></td> <td>KOR</td> <td>Cape Town</td> </tr> <tr> <td>28-Mar-19</td> <td><i>Tronio</i></td> <td>ESP</td> <td>Cape Town</td> </tr> </tbody> </table>	DCD landing date	Vessel name	Flag	Landing Port	08-Mar-19	<i>Hong Jin No. 707</i>	KOR	Cape Town	28-Mar-19	<i>Tronio</i>	ESP	Cape Town	<p>3.1 The Republic of South Africa acknowledges the concerns that arose in the CCEP regarding non-compliance to Conservation Measure 10-03.</p> <p>3.2 The matter was investigated and the Republic of South Africa wishes to advise that:</p> <p>3.2.1 The vessel <i>Shinsei Maru No. 3</i> was inspected outside the 48-hr reporting period after port entry.</p> <p>3.2.2 The Fishery Control Officers (FCOs) are responsible for inspections and monitoring of both domestic and foreign fishing vessels.</p> <p>3.2.3 In the twenty-two (22) domestic fishing sectors there are 2 900 right holders and 1 788 fishing vessels.</p> <p>3.2.4 South Africa does not have a dedicated section that deals only with foreign fishing vessels.</p> <p>3.2.5 The FCO capacity has drastically reduced from eighteen (18) to nine (9), and vacancies have not been filled. It is essential that two (2) officials should be present upon inspection and monitoring of these vessels, as a safety measure.</p> <p>3.2.6 In addition to CCAMLR, the FCOs are also responsible for monitoring and inspecting other RFMOs such as CCSBT, IOTC, SEAFO.</p>	Minor non-compliant (Level 1)	See paragraphs 73 and 74.
DCD landing date	Vessel name	Flag	Landing Port														
08-Mar-19	<i>Hong Jin No. 707</i>	KOR	Cape Town														
28-Mar-19	<i>Tronio</i>	ESP	Cape Town														

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
Conservation Measure 10-03 (cont.)					
South Africa (cont.)			<p>3.2.7 The lack of effective information technology resources has created a challenge in communication amongst the officials.</p> <p>4.1 The Republic of South Africa would like to affirm its commitment in respect of complying with all the applicable conservation measures.</p> <p>4.2 In light thereof, the following corrective measures will be taken:</p> <p>4.2.1 Disciplinary action against those officials responsible for late inspections.</p> <p>4.2.2 Aim to establish a dedicated unit for monitoring and inspections of foreign fishing vessels.</p> <p>4.2.3 Request capacity building from CCAMLR on conservation measures.</p> <p>4.2.4 Amending the permit conditions whereby foreign fishing vessels do not enter port after 16h00 Friday.</p> <p>The inspection report in respect of the <i>Hong Jin No. 707</i> conducted on 07 Mar 2019 was transmitted to the Secretariat on 6 Sep 2019.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
South Africa		<p>Administrative – CM 10-03, paragraph 8, requires the transmission of a port inspection report to the Secretariat within 30 days of the inspection date (or as soon as possible where compliance issues have arisen).</p> <p>The Secretariat received 11 port inspection reports from South Africa.</p> <p>One report was received 37 days after inspection.</p>	<p>As Above</p> <p>Preliminary Status: Non-compliant (Level 2)</p>	<p>Minor non-compliant (Level 1)</p>	<p>See paragraphs 73 and 74.</p>

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response																														
Conservation Measure 10-03 (cont.)																																			
South Africa		<p>CM 10-03, paragraph 5, requires that inspections shall be conducted within 48 hours of port entry.</p> <p>In the CCEP reporting period South Africa submitted 11 port inspection reports. Monitoring of port inspection reports received by the Secretariat indicates the following inspection(s) that occurred more than 48 hours after the reported port entry of the vessel:</p> <table border="1"> <thead> <tr> <th>Arrival date</th> <th>Inspection date</th> <th>Vessel name</th> <th>Flag</th> <th>Port</th> <th>Inspection delay (Hours)</th> </tr> </thead> <tbody> <tr> <td>25-Aug-18</td> <td>05-Sep-18</td> <td><i>Shinsei Maru No. 3</i></td> <td>JPN</td> <td>Cape Town</td> <td>264</td> </tr> <tr> <td>09-Dec-18</td> <td>19-Dec-18</td> <td><i>Shinsei Maru No. 3</i></td> <td>JPN</td> <td>Cape Town</td> <td>240</td> </tr> <tr> <td>29-Mar-19</td> <td>02-Apr-19</td> <td><i>Shinsei Maru No. 3</i></td> <td>JPN</td> <td>Cape Town</td> <td>96</td> </tr> <tr> <td>18-Jun-19</td> <td>10-Jul-19</td> <td><i>Shinsei Maru No. 3</i></td> <td>JPN</td> <td>Cape Town</td> <td>528</td> </tr> </tbody> </table>	Arrival date	Inspection date	Vessel name	Flag	Port	Inspection delay (Hours)	25-Aug-18	05-Sep-18	<i>Shinsei Maru No. 3</i>	JPN	Cape Town	264	09-Dec-18	19-Dec-18	<i>Shinsei Maru No. 3</i>	JPN	Cape Town	240	29-Mar-19	02-Apr-19	<i>Shinsei Maru No. 3</i>	JPN	Cape Town	96	18-Jun-19	10-Jul-19	<i>Shinsei Maru No. 3</i>	JPN	Cape Town	528	<p>As Above</p> <p>Preliminary Status: Non-compliant (Level 2)</p>	<p>Minor non-compliant (Level 1)</p>	<p>See paragraphs 73 and 74.</p>
Arrival date	Inspection date	Vessel name	Flag	Port	Inspection delay (Hours)																														
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United Kingdom		<p>CM 10-03, paragraph 1, requires that Contracting Parties shall undertake inspections of all fishing vessels carrying <i>Dissostichus</i> spp. which enter their ports. Exceptions to this conservation measure apply to certain areas, vessels and fishing practices described in the footnotes of the conservation measure and the CCAMLR regulatory documents.</p> <p>In the CCEP reporting period the UK submitted 26 port inspection reports in accordance with the above conservation measure framework. Monitoring of port inspection reports received by the Secretariat indicates the following inspection(s) that occurred more than 48 hours after the reported port entry of the vessel:</p> <table border="1"> <thead> <tr> <th>Arrival date</th> <th>Inspection date</th> <th>Vessel name</th> <th>Flag</th> <th>Port</th> <th>Inspection delay (Hours)</th> </tr> </thead> <tbody> <tr> <td>09-Aug-18</td> <td>12-Aug-18</td> <td><i>Antarctic Bay</i></td> <td>CHL</td> <td>UK OT</td> <td>72</td> </tr> </tbody> </table>	Arrival date	Inspection date	Vessel name	Flag	Port	Inspection delay (Hours)	09-Aug-18	12-Aug-18	<i>Antarctic Bay</i>	CHL	UK OT	72	<p>The UK investigated this potential infringement.</p> <p>The <i>Antarctic Bay</i> pre-notified its intention to enter port on 9 August, in line with CM 10-03, Annex A. The vessel entered the outer harbour limits on 9 August at 19:00 and remained in the outer limits, at anchor, due to bad weather.</p> <p>The vessel entered the port facilities at 23:30 on 11 August once it was safe to do so. The CCAMLR inspection took place the following day at 09:15 on 12 August.</p> <p>The UK recognises that information within CM 10-03, Annex A, should have been updated once it was apparent that bad weather would impact the vessel's ability to enter port and come alongside safely, however, the inspection was carried out in full compliance with the conservation measure.</p> <p>Further Action: None</p> <p>Preliminary Status: Compliant</p>	<p>Minor non-compliant (Level 1)</p>	<p>See paragraph 75.</p>																		
Arrival date	Inspection date	Vessel name	Flag	Port	Inspection delay (Hours)																														
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(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response																								
Conservation Measure 10-03 (cont.)																													
Uruguay		<p>CM 10-03, paragraph 5, requires that inspections shall be conducted within 48 hours of port entry.</p> <p>In the CCEP reporting period Uruguay submitted 29 port inspection reports in accordance with the above conservation measure framework. Monitoring of port inspection reports received by the Secretariat indicates the following inspection(s) that occurred more than 48 hours after the reported port entry of the vessel:</p> <table border="1"> <thead> <tr> <th>Arrival date</th> <th>Inspection date</th> <th>Vessel name</th> <th>Flag</th> <th>Port</th> <th>Inspection delay (Hours)</th> </tr> </thead> <tbody> <tr> <td>24-Sep-18</td> <td>03-Oct-18</td> <td><i>Badaro</i></td> <td>URY</td> <td>Montevideo</td> <td>216</td> </tr> <tr> <td>21-Dec-18</td> <td>26-Dec-18</td> <td><i>Torres Del Paine</i></td> <td>URY</td> <td>Montevideo</td> <td>120</td> </tr> <tr> <td>12-Feb-19</td> <td>19-Feb-19</td> <td><i>Proa Pioneer</i></td> <td>URY</td> <td>Montevideo</td> <td>168</td> </tr> </tbody> </table>	Arrival date	Inspection date	Vessel name	Flag	Port	Inspection delay (Hours)	24-Sep-18	03-Oct-18	<i>Badaro</i>	URY	Montevideo	216	21-Dec-18	26-Dec-18	<i>Torres Del Paine</i>	URY	Montevideo	120	12-Feb-19	19-Feb-19	<i>Proa Pioneer</i>	URY	Montevideo	168	<p><i>Badaro</i></p> <p>Due to adverse weather conditions (storm warning), the vessel entered a port zone. At this point in time, the vessel had no mooring (its mooring was not accessible or operational). The <i>Badaro</i> was inspected on 03/10/18, since in the previous days the vessel had been ‘in transit in a port zone’ waiting to be allocated an appropriate physical location for the inspection. In situations such as this, where a vessel is ‘in transit in a port zone’, the national legislation does not provide for vessels to be boarded for inspection.</p> <p><i>Torres Del Paine</i></p> <p>As a result of port operations and vessel accessibility, the inspection took place on 26/12/18, the first working day following the Christmas holiday.</p> <p><i>Proa Pioneer</i></p> <p>As a result of adverse weather conditions in the area, the vessel had to enter the port zone in Montevideo early. Consequently, the inspection was delayed. In addition to this, as the vessel was not in an operational area, unloading was not feasible. In situations such as this, where a vessel is ‘in transit in a port zone’, the national legislation does not provide for vessels to be boarded for inspection.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required.
Arrival date	Inspection date	Vessel name	Flag	Port	Inspection delay (Hours)																								
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(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response																		
Conservation Measure 21-02																							
Ukraine	<i>Koreiz</i>	<p>CM 21-02 paragraph 13 (i) states that Members whose vessels participate in exploratory fisheries shall only use the types of fishing gear specified in the Fishery Operation Plan for the vessel.</p> <p>The Scheme of International Scientific Observation (SISO) report for the cruise dates of 28 October 2018 to 24 February 2019 in Subarea 88.2 states that the vessel gear specifications were different from the CCAMLR vessel notification, as seen in the table below.</p> <table border="1"> <thead> <tr> <th>Gear type</th> <th>Vessel's notification details</th> <th>On board details</th> </tr> </thead> <tbody> <tr> <td>Longline weights</td> <td>Concrete</td> <td>Stone</td> </tr> <tr> <td>Minimum mass of weights</td> <td>9 kg</td> <td>6.3 kg (from 30 sampled stones)</td> </tr> <tr> <td>Weight spacing</td> <td>34 m</td> <td>40 m</td> </tr> <tr> <td>Hook spacing</td> <td>1.5 m</td> <td>1.6 m</td> </tr> <tr> <td>Hook snood length</td> <td>0.7 m</td> <td>0.8 m</td> </tr> </tbody> </table>	Gear type	Vessel's notification details	On board details	Longline weights	Concrete	Stone	Minimum mass of weights	9 kg	6.3 kg (from 30 sampled stones)	Weight spacing	34 m	40 m	Hook spacing	1.5 m	1.6 m	Hook snood length	0.7 m	0.8 m	<p>In accordance with the vessel's procedures, the crew checked the weight of the concrete weights and revealed discrepancies. To minimise the consequences of using the weights of a lesser weight the crew and the observers followed the protocol B of the CM 24-02 and measured the sink-rate by the bottle-test every 24 hours (item B2 (i)).</p> <p>Specific instructions to the crew and the national observer introduced.</p> <p>Specific documentary procedure on verification of the fishing gear parameters prior leaving the port to the Vessel's Procedures Manual introduced.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required.
Gear type	Vessel's notification details	On board details																					
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Hook snood length	0.7 m	0.8 m																					
Conservation Measure 22-07																							
Ukraine	<i>Calipso</i>	<p>CM 22-07, paragraph 3, states Members shall require their vessels to clearly mark fishing lines into line segments and collect segment-specific data on the number of VME indicator units.</p> <p>The SISO report for the cruise dates of 26 November 2018 to 19 February 2019, in small-scale research units (SSRUs) 882A (RSR North), 881I, 881K, 881J, 881H (RSR South) and research blocks 88.2_4 (SSRUs 882D and 882E) states 'Mid-point positions (every 5 baskets) of VME segments were not marked by the vessel. Only start and end positions (every 10 baskets) were available. The observers therefore had to estimate VME segment mid-points and depths. In some cases, this was further complicated by some VME segment start and end positions not being marked at all'.</p>	<p>Every longline on the vessel <i>Calipso</i> is marked from the beginning to the end on 'line segments' (sections) with lengths 1 200 m it is corresponding to the requirements CM 22-07 p.2 (iv). Each 'line segment' is equivalent to 10 baskets. In order to avoid confusion of the 'line segments' during the setting and hauling of the line, additional marking through every 5 baskets (to determine the midpoint) were not done. During the hauling of the longline the watch officers made marks (control points) of the beginning and the end of each 'line segment' on the plotter. Thus, the midpoint and depth were defined as the centre between the two control points. There were rare cases when by some technical reasons the watch officers did not put marks, in this case, an approximate assessment was made for determination of the midpoint and the depth of the necessary 'line segment' on the plotter.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required.																		

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
Conservation Measure 23-04					
Ukraine	<i>Simeiz</i>	<p>CM 23-04, paragraph 3, requires that monthly fine scale catch and effort reporting be the total target catch, reported by species.</p> <p>The SISO report for the cruise dates of 3 March 2019 to 22 April 2019 states in Subarea 48.2 states ‘...non-retained damaged and/or liced toothfish were not recorded by the vessel, resulting in the observer’s sampling and recording more fish than what was reported by the vessel’.</p>	<p>Unfortunately, in the existing C2 and daily Catch and Effort reporting forms, there is no column for entering data on damaged fish, which is stored on board only until leaving the CCAMLR area. In existing practice, the fish was partially retained on board (2nd grade product, gonads, collars, etc., where possible) and were counted as obtained catch. Ukraine took to account the existing misestimating in particular area where percent of highly damaged fish were highest in all observed seasons. Ukraine analyse the experience of other CCAMLR Members, and such fish will be taken into account in an updated C2 form in the corresponding column, and will be a part of obtained catch with a conversion factor ‘1’. This form was proposed in WG-FSA-18/29 and currently being developed by the Secretariat and is under discussion.</p> <p>Preliminary Status: Compliant</p>	Minor non-compliant (Level 1)	See paragraphs 81 and 82.
Conservation Measure 25-03					
Norway	<i>Antarctic Endurance</i>	<p>CM 25-03, paragraph 1, prohibits the use of net monitoring cables.</p> <p>A derogation was granted by the Commission in 2016 (CCAMLR-XXXV, paragraphs 5.67 and 5.68) and again in 2017 (CCAMLR-XXXVI, paragraph 5.7) to trial the use of net monitoring cables.</p> <p>The Scientific Committee noted the derogation in CM 25-03 had lapsed and expired (SC-CAMLR-XXXVII, paragraph 3.14 and Annex 9, paragraph 6.62) for the 2018/19 fishing season.</p> <p>The SISO report for the cruise dates of 4 March 2019 to 9 May 2019 in Subareas 48.2 to 48.3, Figure 3 displays use of a net monitoring cable and is captioned as ‘Port beam derrick with trawl warp and net monitoring cable running parallel’.</p>	<p>According to CM 25-03, paragraph 1, the use of net monitoring cables is prohibited. This prohibition was introduced to reduce the incidental mortality of, or injury to, seabirds and marine mammals during trawl fishing.</p> <p>The Norwegian krill fishing vessels have become increasingly dependent on having access to sensor data from the trawl during fishing. The trawl sonar continuously informs about the trawl geometry and depth, and the skipper will always be well informed about the trawl performance. Cameras inform about influx organisms, like krill size, salps etc.</p>		See paragraphs 83 to 86.

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
Conservation Measure 25-03 (cont.)					
Norway (cont.)	<i>Antarctic Endurance</i>		<p>As more sensors have been introduced and producing an increased amount of data, transfer of this information via a wireless connection has become a solution not conducive to continuous trawling method.</p> <p>The Norwegian vessel <i>Antarctic Sea</i> has operated a net monitoring cable running closely along the towing wire since the vessel was introduced to the krill fishery without any noted compliance issue from the CCAMLR observers. The observer reports do not show any serious bird strike.</p> <p>Net monitoring is beneficial to the industry and also to CCAMLR science, and this has been recognised by the Scientific Committee previously. The need for cabled connections has also been discussed, and in 2016 a one-year derogation on the prohibition of the use of a net monitoring cable was granted to facilitate trials with such cables on the vessel <i>Saga Sea</i>. This derogation was subsequently extended by one year. The derogation granted by the Commission in 2016 allowed trials with a traditional net monitoring cable. Trials were effectively carried out in 2017/18 but proved unsuccessful due to operational difficulties.</p> <p>For the 2018/19 fishing season the vessel owner standardised the rigging onboard all vessels to become identical to the rigging on board the <i>Antarctic Sea</i>. This also included the operation of the net monitoring cable as described in WG-EMM-17/47. The vessels use a cable connection to the net sensors. This cable runs along the single trawl warp and is aligned with that warp. There are therefore two parallel cables (net cable and warp) leading from the vessel to the trawl, and these run in parallel and so close to each other that they appear more or less as one unit.</p>		

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
Conservation Measure 25-03 (cont.)					
Norway (cont.)	<i>Antarctic Endurance</i>		<p>It is emphasised that this rigging is very different from that used on classical double-warp trawlers where the cable normally runs freely between the warps as a third cable.</p> <p>The Norwegian vessels have made efforts to maintain and develop practices that facilitate a cabled communication while meeting the main objective of CM 25-03 in terms of reducing bird strikes. The cables are rigged in a manner that minimises the risk of bird strikes. The vessels have assumed that this practice has been acceptable.</p> <p>The general net cable prohibition included in CM 25-03 remains however a potential challenge to the vessels as long as the net monitoring cable prohibition does not define or describe more specifically what is meant by 'net monitoring cables'. In the strictest interpretation, any use of cabled connection may be considered a violation, regardless of the actual risk of bird interactions. Some observers rightly report that net monitoring cables were used by Norwegian vessels and this may thus be regarded as a potential violation of CM 25-03.</p> <p>Further Action:</p> <p>Based on the recognised need and utility of net monitoring devices and the continued technical requirement for cabled communication, Norway has suggested that the Scientific Committee considers amending Article 1 of CM 25-03 so that uses of net monitoring cables that do not violate the objectives of reducing incidental mortality of, or injury to, seabirds become permitted.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
Conservation Measure 25-03 (cont.)					
Norway	<i>Saga Sea</i>	<p>CM 25-03, paragraph 1, prohibits the use of net monitoring cables. A derogation was granted by the Commission in 2016 (CCAMLR-XXXV, paragraphs 5.67 and 5.68) and again in 2017 (CCAMLR-XXXVI, paragraph 5.7) to trial the use of net monitoring cables.</p> <p>The Scientific Committee noted the derogation in CM 25-03 had now lapsed and expired (SC-CAMLR-XXXVII, paragraph 3.14 and Annex 9, paragraph 6.62) for the 2018/19 fishing season.</p> <p>The SISO report for the cruise dates of 22 November 2018 to 23 January 2019 in Subarea 48.2, contains images depicting the use of a net monitoring cable during fishing operations and states ‘As the <i>Saga Sea</i> was trialling the use of a third wire, providing a direct link from a net mounted echo sounder to the processing unit on board, there was a streamer line in place as a protection measure for birds’.</p>	<p>According to CM 25-03, paragraph 1, the use of net monitoring cables is prohibited. This prohibition was introduced to reduce the incidental mortality of, or injury to, seabirds and marine mammals during trawl fishing.</p> <p>The Norwegian krill fishing vessels have become increasingly dependent on having access to sensor data from the trawl during fishing. The trawl sonar continuously informs about the trawl geometry and depth, and the skipper will always be well informed about the trawl performance. Camera inform about influx organisms, like krill size, salps etc. As more sensors have been introduced and producing an increased amount of data, transfer of this information via a wireless connection has become a solution not conducive to continuous trawling method.</p> <p>The Norwegian vessel <i>Antarctic Sea</i> has operated a net monitoring cable running closely along the towing wire since the vessel was introduced to the krill fishery without any noted compliance issue from the CCAMLR observers. The observer reports do not show any serious bird strike.</p> <p>Net monitoring is beneficial to the industry and also to CCAMLR science, and this has been recognised by the Scientific Committee previously. The need for cabled connections has also been discussed, and in 2016 a one-year derogation on the prohibition of the use of a net monitoring cable was granted to facilitate trials with such cables on the vessel <i>Saga Sea</i>. This derogation was subsequently extended by one year. The derogation granted by the Commission in 2016 allowed trials with a traditional net monitoring cable.</p>		See paragraphs 83 to 86.

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
Conservation Measure 25-03 (cont.)					
Norway (cont.)	<i>Saga Sea</i>		<p data-bbox="1120 293 1615 341">Trials were effectively carried out in 2017/18 but proved unsuccessful due to operational difficulties.</p> <p data-bbox="1120 365 1615 995">For the 2018/19 fishing season the vessel owner standardised the rigging onboard all vessels to become identical to the rigging on board the <i>Antarctic Sea</i>. This also included the operation of the net monitoring cable as described in WG-EMM-17/47. The vessels use a cable connection to the net sensors. This cable runs along the single trawl warp and is aligned with that warp. There are therefore two parallel cables (net cable and warp) leading from the vessel to the trawl, and these run in parallel and so close to each other that they appear more or less as one unit. It is emphasised that this rigging is very different from that used on classical double-warp trawlers where the cable normally runs freely between the warps as a third cable. The Norwegian vessels have made efforts to maintain and develop practices that facilitate a cabled communication while meeting the main objective of CM 25-03 in terms of reducing bird strikes. The cables are rigged in a manner that minimises the risk of bird strikes. The vessels have assumed that this practice has been acceptable.</p> <p data-bbox="1120 1019 1615 1315">The general net cable prohibition included in CM 25-03 remains however a potential challenge to the vessels as long as the net monitoring cable prohibition does not define or describe more specifically what is meant by ‘net monitoring cables’. In the strictest interpretation, any use of cabled connection may be considered a violation, regardless of the actual risk of bird interactions. Some observers rightly report that net monitoring cables were used by Norwegian vessels and this may thus be regarded as a potential violation of CM 25-03.</p>		

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
Conservation Measure 25-03 (cont.)					
Norway (cont.)	<i>Saga Sea</i>		<p>Further Action:</p> <p>Based on the recognised need and utility of net monitoring devices and the continued technical requirement for cabled communication, Norway has suggested that the Scientific Committee considers amending Article 1 of CM 25-03 so that uses of net monitoring cables that do not violate the objectives of reducing incidental mortality of, or injury to, seabirds become permitted.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
Conservation Measure 26-01					
Ukraine	<i>Calipso</i>	<p>CM 26-01, paragraph 6, prohibits the dumping or discharging of offal and discards.</p> <p>The SISO report for the cruise dates of 28 October 2018 to 24 February 2019 states, ‘On 03/01/2019 the International Observer noticed a high occurrence of offal (cut off fins from toothfish processing) in the stomachs of sampled <i>D. mawsoni</i>. Upon inspection of the offal chute, it was found that the grating designed to retain all smaller pieces of offal from the offal chute was not in place, and the smaller pieces of offal (mostly consisting of stomach contents, bloody membranes and fins) from the chute were being discharged directly into the ocean, on the port-side of the vessel. After the observer notified the vessel Officers, the grating was subsequently welded into place permanently and the discharge of offal into the ocean ceased’.</p>	<p>The company’s office was informed on this incident immediately. The grating, which was removed time to time by the crew for the purpose of cleaning from ice, was welded permanently, preventing the further removal.</p> <p>Specific instructions to the crew introduced.</p> <p>Written record ‘Do not remove’ on the grating was immediately painted.</p> <p>Similar instructions immediately sent to the other vessels of the company.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required.
Ukraine	<i>Koreiz</i>	<p>CM 26-01, paragraph 5(v), prohibits the dumping or discharging of sewage within 12 n miles of land or ice shelves, or while the ship is travelling at a speed of less than 4 knots.</p> <p>The SISO report for the cruise dates of 28 October 2018 to 24 February 2019 in Subarea 88.2 states ‘Sewage, directly from the lavatories onboard, was observed to be discharged directly into the sea throughout the duration of the cruise.</p>	<p>The international observer notified that the vessel was not equipped with the appropriate storage facilities to comply with CM 26-01, and his conclusion was, that sewage was discarded inside the CCAMLR area on a daily basis. But he didn't take into account that the vessel <i>Koreiz</i> is equipped with the sewage treatment plant EVAC ORCA III</p>	Additional information required	See paragraphs 87 to 89.

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
Conservation Measure 26-01 (cont.)					
Ukraine (cont.)	<i>Koreiz</i>	This was in contravention of CM 26-01 (2015). The observer notified the vessel officers about the contravention but unfortunately the vessel was not equipped with the appropriate storage facilities to comply with CM 26-01. Therefore, sewage was discarded inside the CCAMLR area on a daily basis’.	(a copy of the valid International Sewage Pollution Prevention Certificate is attached). No untreated sewage, including the one flowing directly from the lavatories, from the vessel can be discharged overboard. The treatment rate of the plant complies with the standards of resolution MEPC.159(55). Preliminary Status: Compliant		
Conservation Measure 91-05					
United Kingdom		<p>Vessels: <i>Argos Georgia</i> (UK) and <i>Nordic Prince</i> (UK)</p> <p>CM 91-05 requires that notwithstanding CM 10-09, no fishing vessel may engage in transshipment activities within the MPA, except in cases where vessels are involved in an emergency relating to safety of human life at sea or engaged in a search and rescue operation. Transshipment means the transfer of harvested marine living resources and any other goods or materials to or from fishing vessels (CM 95-01, paragraph 11, footnote 1).</p> <p>At 2042 and 2134 (UTC) on 11 December 2018 the Secretariat received emails from the Masters of the <i>Argos Georgia</i> and the <i>Nordic Prince</i> respectively notifying a proposed transshipment of: ‘- 1 drum of 20 lts magazine liquid – 1 box engine spare parts’ to take place at ‘12th Dec. 2018, at approx. 02:00 hrs UTC, in Pos. 75°18’ S – 175°04’ W’.</p> <p>At 0255 and 0306 (UTC) on 12 December 2018 the Secretariat received email notifications from both vessels that transshipment had been completed at ‘at 02:48 hrs. UTC. December 12th 2018. In Position 75°19.0 S 175°07.1 W. without any incident’.</p> <p>The Secretariat noted the proposed activity had been advised in accordance with timeframes in CM 10-09 and entered the transshipment information on the CCAMLR website List of Transshipments on 12 December 2018. Secretariat analysis subsequently conducted on the location of transshipment activity within the Convention Area identified this transshipment took place in the Special Research Zone of the Ross Sea region MPA (as described in Annex 91-05/A).</p>	<p>This was a routine transshipment of spares/consumables (not including any Antarctic marine living resources) carried out between two fishing vessels operated by the British company Argos Froyanes Ltd.</p> <p>The transshipment was conducted in accordance with the requirements of CM 10-09, including notifying the CCAMLR Secretariat in advance. The transshipment had, however, been conducted in the Special Research Zone of the Ross Sea region MPA and so was not in line with paragraph 11 of CM 91-05.</p> <p>The company has amended its internal documentation and training to ensure within their transshipment procedures areas of the Convention Area within which transshipment is prohibited is made clear. The UK confirmed that as the Flag State it had issued a written warning to the company, and the company paid £10k to the CCAMLR MPA Fund.</p> <p>The UK has proposed an amendment to CM 10-09 to include explicit reference to the areas in which transshipments are prohibited, contained within CMs 91-03 and 91-05.</p> <p>Further Action: None Preliminary Status: Minor non-compliant (Level 1)</p>		See paragraphs 91 to 96

Non-Contracting Party IUU Vessel List 2019/20

Vessel name	Flag	IMO Number	Call sign	Nature and date of activity(ies)	Year listed	Ownership history
<i>Amorinn</i>		7036345	5VAN9	<ul style="list-style-type: none"> • Sighted 58.5.1 (11 Oct 2003) • Sighted 58.4.2 (23 Jan 2004) 	2003	<ul style="list-style-type: none"> • Infitco Ltd (Ocean Star Maritime Co.) • Seric Business S.A.
<i>Antony</i>		7236634	PQMG	<ul style="list-style-type: none"> • Supporting IUU-listed vessels 	2016	<ul style="list-style-type: none"> • Atlanti Pez • Urgora S de RL • World Oceans Fishing SL
<i>Asian Warrior</i>	Saint Vincent and the Grenadines	7322897	J8B5336	<ul style="list-style-type: none"> • Sighted 58.5.2 (31 Jan 2004) • Sighted 58.5.1 (10 May 2006) • Sighted 58.4.1 (21 Jan 2010) • Sighted 58.4.1 (13 Feb 2011) • Towing <i>Baiyangdian 57</i> (01 Apr 2012) • Sighted 58.6 (01 Jul 2012) • Sighted 58.4.2 (28 Jan 2013) • Sighted 57 (10 Mar 2013) • Fishing 58.5.1 (13 May 2013) • Sighted 57 (07 Sep 2013) • Sighted 58.4.1 (30 Mar 2014) • Sighted 57 (14 Apr 2014) • Sighted 57 (14 Dec 2014) • Hauling 5841H (07 Jan 2015) • Sighted 58.4.1 (11 Jan 2015) • Sighting 57 (26 Feb 2015) 	2003	<ul style="list-style-type: none"> • Navalmar S.A. • Meteora Development Inc • Vidal Armadores S.A. • Rajan Corporation • Rep Line Ventures S.A. • Stanley Management Inc • High Mountain Overseas S.A.

(continued)

Vessel name	Flag	IMO Number	Call sign	Nature and date of activity(ies)	Year listed	Ownership history
<i>Atlantic Wind</i>		9042001	5IM813	<ul style="list-style-type: none"> • Undocumented landing Malaysia (01 Aug 2004) • Fishing 58.4.3a (22 Feb 2005) • Fishing 58.4.3a (28 Apr 2005) • Fishing 58.4.3b (16 Dec 2005) • Fishing 58.4.3b (01 Jul 2009) • Fishing 58.4.2 (27 Jan 2010) • Fishing 58.4.3b (04 Apr 2010) • Fishing 58.4.1 (13 Feb 2011) • Sighted 57 (16 May 2012) • Sighted 57 (20 Oct 2012) • Sighted 57 (28 May 2013) • Sighted 57 (01 Jul 2013) • Sighted 57 (13 May 2014) • Sighted 57 (14 Dec 2014) • Fishing 5841H (12 Jan 2015) 	2004	<ul style="list-style-type: none"> • Viarsa Fishing Company/Navalmar S.A. • Global Intercontinental Services • Rajan Corporation • Redlines Ventures S.A. • High Mountain Overseas S.A.
<i>Baroon</i>	Tanzania, United Republic of	9037537	5IM376	<ul style="list-style-type: none"> • Fishing 58.4.1 (19 Mar 2007) • Sighted 88.1 (15 Jan 2008) • Sighted 57 (19 Dec 2010) • Sighted 57 (05 Oct 2012) • Sighted 57 (24 Mar 2013) • Sighted 57 (03 Sep 2013) • Sighted 57 (19 Nov 2013) • Sighted 57 (14 Feb 2014) 	2007	<ul style="list-style-type: none"> • Punta Brava Fishing S.A. • Vero Shipping Corporation
<i>Challenge</i>		6622642	HO5381	<ul style="list-style-type: none"> • Sighted 58.4.3b (14 Feb 2006) • Sighted 58.4.3b (22 May 2006) • Sighted 58.4.3b (10 Dec 2006) • Sighted 58.4.3b (08 Feb 2008) 	2006	<ul style="list-style-type: none"> • Prion Ltd • Vidal Armadores S.A. • Mar de Neptuno S.A. • Advantage Company S.A. • Argibay Perez J.A.
<i>Good Hope</i>	Nigeria	7020126	5NMU	<ul style="list-style-type: none"> • Resupplying IUU vessels 51 (09 Feb 2007) 	2007	<ul style="list-style-type: none"> • Sharks Investments AVV • Port Plus Ltd

(continued)

Vessel name	Flag	IMO Number	Call sign	Nature and date of activity(ies)	Year listed	Ownership history
<i>Jinzhang</i>		6607666	PQBT	<ul style="list-style-type: none"> • Fishing 58.4.3b (23 May 2006) • Fishing 58.4.2 (18 Feb 2007) • Fishing 58.4.3b (24 Mar 2007) • Fishing 58.4.3b (12 Jan 2008) • Fishing 58.4.3b (09 Jan 2009) • Fishing 58.4.3b (20 Jan 2009) 	2006	<ul style="list-style-type: none"> • Arniston Fish Processors Pty Ltd • Nalanza S.A. • Vidal Armadores S.A. • Argibay Perez J.A. • Belfast Global S.A. • Eterna Ship Management
<i>Heavy Sea</i>		7322926	3ENF8	<ul style="list-style-type: none"> • Sighted 58.5.1 (03 Feb 2004) • Fishing 57 (29 Jul 2005) 	2004	<ul style="list-style-type: none"> • C & S Fisheries S.A. • Muner S.A. • Meteroros Shipping • Meteora Shipping Inc. • Barroso Fish S.A.
<i>Koosha 4</i>	Iran, Islamic Republic of	7905443	9BQK	<ul style="list-style-type: none"> • Sighted 58.4.1 (20 Jan 2011) • Sighted 58.4.1 (15 Feb 2011) 	2011	<ul style="list-style-type: none"> • Pars Paya Seyd Industrial Fish
<i>Limpopo</i>		7388267		<ul style="list-style-type: none"> • Fishing 58.5.2 (21 Sep 2003) • Sighted 58.5.1 (03 Dec 2003) • Fishing 58.4.3b (23 Feb 2005) • Fishing 58.4.3b (14 Dec 2005) • Sighted 58.4.3b (25 Jan 2007) 	2003	<ul style="list-style-type: none"> • Grupo Oya Perez (Kang Brothers) • Lena Enterprises Ltd • Alos Company Ghana Ltd
<i>Northern Warrior</i>	Angola	8808903	PJSA	<ul style="list-style-type: none"> • Supporting IUU-listed vessels 	2016	<ul style="list-style-type: none"> • SIP • Areapesca SA • Snoek Wholesalers • Southern Trading Group • South Atlantic Fishing NV • World Ocean Fishing SL • Orkiz Agro-Pecuaria, Pescas, Transportes E Comercio Geral, Ltda

(continued)

Vessel name	Flag	IMO Number	Call sign	Nature and date of activity(ies)	Year listed	Ownership history
<i>Perlon</i>		5062479	5NTV21	<ul style="list-style-type: none"> • Sighted 58.5.1 (03 Dec 2002) • Sighted 58.5.1 (04 Jun 2003) • Sighted 58.4.2 (22 Jan 2004) • Sighted 58.4.3b (11 Dec 2005) • Fishing 58.4.1 (26 Jan 2006) • Sighted 58.4.3b (07 Dec 2006) • Sighted 58.4.1 (30 Dec 2006) • Sighted 58.4.1 (16 Dec 2008) • Gear sighted (10 Feb 2009) • Fishing 58.5.1 (08 Jun 2010) • Sighted 51 (10 Feb 2012) • Sighted 57 (20 Jul 2014) • Sighted, boarded 57 (22 Apr 2015) 	2003	<ul style="list-style-type: none"> • Vakin S.A. • Jose Lorenzo SL • Americagalaica S.A.
<i>Pescacisne 1, Pescacisne 2</i>		9319856	9LU2119	<ul style="list-style-type: none"> • Supporting activities of IUU vessels 51 (16 May 2008) • Sighted 58.4.3b (22 Apr 2009) • Sighted 57 (07 Dec 2009) • Fishing 58.4.1 (07 Apr 2010) • Sighted 58.4.1 (29 Jan 2012) • Sighted 58.4.1 (30 Jan 2012) • Sighted 58.4.1 (31 Jan 2012) • Sighted 57 (24 Apr 2012) • Fishing 58.6 (03 Jul 2012) • Sighted 57 (28 May 2013) • Sighted 57 (04 Jul 2013) • Sighted 58.4.1 (20 Jan 2014) • Sighted 57 (13 May 2014) • Sighting 57 (08 Dec 2014) • Hauling 5841H (06 Jan 2015) 	2008	<ul style="list-style-type: none"> • Mabenal S.A. • Vidal Armadores S.A. • Omunkete Fishing Pty Ltd • Gongola Fishing JV (Pty) Ltd • Eastern Holdings
<i>Sea Urchin</i>	The Gambia/ Stateless	7424891		<ul style="list-style-type: none"> • Fishing 58.4.4b (10 Nov 2006) 	2007	<ul style="list-style-type: none"> • Cecibell Securities • Farway Shipping

(continued)

Vessel name	Flag	IMO Number	Call sign	Nature and date of activity(ies)	Year listed	Ownership history
STS-50	Togo	8514772	5VDR2	<ul style="list-style-type: none"> • Landing IUU catch (25 May 2016) • Sighted 57 (06 Apr 2017) 	2016	<ul style="list-style-type: none"> • Maruha Corporation • Taiyo Namibia • Taiyo Susan • Sun Tai International Fishing Corp • STD Fisheries Co. Ltd • Red Star Co. Ltd • Poseidon Co. Ltd • Marine Fisheries Corp. Co. Ltd

**Report of the Standing Committee on
Administration and Finance (SCAF)**

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Report of the Meeting of the Standing Committee on Administration and Finance (SCAF)

Opening of the meeting

1. Mr K. Timokhin (Russia), serving as Chair of the Standing Committee on Administration and Finance (SCAF) for its 2019 meeting, facilitated discussions on Item 4 of the Commission's agenda.

Annual Financial Statements

Examination of Audited Financial Statements for 2018

2. Consistent with Financial Regulation 11.1, a full audit of the 2018 Financial Statements was completed in early 2019 (see COMM CIRC 19/68). The audit had identified no incidents of non-compliance with Financial Regulations or International Accounting Standards. SCAF accepted the Financial Statements as presented in CCAMLR-38/03 and recommended these be accepted by the Commission.

Report of the Secretariat

Executive Secretary's Report

3. The Executive Secretary introduced CCAMLR-38/05, noting his report included:
- (i) a first-year implementation report for the Secretariat's Strategic Plan (2019–2022) and associated Staffing and Salary Strategy
 - (ii) a basis for the assessment of the Executive Secretary's performance
 - (iii) addressing the requirement to report on data-related activities and measures taken to maintain the integrity of CCAMLR data (SC-CAMLR-XVI, paragraph 10.14).
4. The Executive Secretary highlighted a number of activities, including the work completed by the Intersessional Correspondence Group on Sustainable Financing (ICG-SF), assisting South Africa with the Capacity Building Workshop, the establishment of the Data Centre, delivery of Catch Documentation Scheme for *Dissostichus* spp. (CDS) training to Colombia, Ecuador, Indonesia and Thailand and support for the Scientific Committee's intersessional activities. He highlighted significant progress in delivering the core themes of the Strategic Plan, including internationalisation of the Secretariat, improvements in data management and support services.
5. SCAF thanked the Executive Secretary and the Secretariat on the excellent progress made on the Strategic Plan and other initiatives during the year. Attention was drawn to the positive work completed in the area of human resources, including staff wellbeing, the external staff survey, the new appraisal system, the increasing presence of international posts and the full complement of staff.

Review of the Staff Regulations

6. In 2018, SCAF recognised that the Secretariat would undertake some additional review of the Staff Regulations in 2019 (CCAMLR-XXXVII, Annex 7, paragraph 18). The Secretariat presented the results of this review in CCAMLR-38/07 and reported that the review of the Staff Regulations was completed after extensive consultations with staff, as well as with experts in Australian employment requirements. The aim of the majority of the changes was to update, simplify and remove unnecessary duplications. In addition, there were changes to the provision of superannuation for General Services Staff and additional leave granted on the grounds of compassionate reasons.

7. SCAF approved all changes to the Staff Regulations presented in CCAMLR-38/07 with the exception that:

(i) paragraph 1.2.3(d) was amended by SCAF as follows:

1.2.3 The employee shall conduct themselves in a manner in keeping with the international character of the Commission, and

d) not seek, or accept, instructions from any government, ~~or authority,~~ organisation or person outside other than the Commission relating to their work for the Commission

(ii) the proposed changes to national police check and the medical clearance were replaced with the existing requirements. SCAF requested the Secretariat obtain further advice on this matter and revisit this issue at SCAF in 2020.

8. SCAF recommended that the Commission endorse the revised Staff Regulations as presented in CCAMLR-38/07 taking into account the changes in paragraph 7.

Consideration of intersessional work (sustainable financing, capacity building)

9. The Secretariat, as Convener of the open-ended ICG-SF established by the Commission (CCAMLR-XXXI, Annex 7, paragraph 13), presented a progress report (CCAMLR-38/10) on intersessional consultations to further evaluate income-generating and cost-saving options (CCAMLR-XXXIII, Annex 7, paragraphs 14 and 15).

Tasks advanced during 2018/19

10. In the 2018/19 intersessional period, the ICG-SF was tasked by SCAF with examining a number of options for reforming the system of notification fees for CCAMLR fisheries (CCAMLR-XXXVII, Annex 7, paragraphs 27 to 58). SCAF defined specific terms of reference (CCAMLR-XXXVII, Annex 7, paragraph 37):

- (i) propose a revised formula that removes the refundable portion of the notification fee and generates at least the same income to the General Fund as the 2019 formula presented in CCAMLR-XXXVII/08 Rev. 1 and described in CCAMLR-XXXVII, Annex 7, paragraph 34, considering, inter alia:
 - (a) whether notifications for research fishing under Conservation Measure (CM) 24-01, paragraph 3, should require a notification fee
 - (b) the relative costs of administering and managing krill and new and exploratory toothfish fisheries, including consideration of fees per subarea where appropriate
 - (c) whether to harmonise the notification fees between krill and new and exploratory toothfish fisheries
- (ii) consider the frequency at which notification fees should be revised in relation to inflationary consumer price index (CPI) changes.

11. SCAF recognised the work undertaken by the Secretariat to provide a detailed breakdown of the costs of the administration of fishery notifications and the management of fisheries, and the significant contributions of many Members to the ICG-SF debate.

12. The following recommendations of the ICG-SF (CCAMLR-38/10) were endorsed by SCAF:

- (i) the current deposit component of the notification fees would be discontinued from 2020
- (ii) fees for krill notifications would be set 5% lower than fees for non-krill notifications. This reflects the lower cost of administering krill notifications relative to toothfish notifications. It does not, however, reflect the higher cost of managing krill fisheries relative to toothfish fisheries
- (iii) SCAF endorsed the fee structure for 2020 and 2021 recommended by the ICG-SF (CCAMLR-38/10, Table 2) and the recommendation that notification fees for subsequent years will be increased annually by CPI as it applies to Hobart at 30 June each year:
 - (a) all non-krill, new and exploratory fishing fees for 2020 will be a single non-refundable fee of A\$8 319 for each vessel notified for each fishery and A\$8 527 for 2021
 - (b) all krill fishing fees for 2020 will be a single non-refundable fee of A\$7 903 for each vessel notified for each fishery and A\$8 100 for 2021
- (iv) notification fees for subsequent years will be increased annually by CPI as it applies to Hobart at 30 June each year.

13. SCAF endorsed the principle that a notification fee should apply to notifications under CM 24-01, paragraph 3, given the administrative costs associated with processing fisheries notifications and monitoring. Recognising that the intent of such a fee should not be to

discourage research proposals in any way, given the importance of science within the Antarctic Treaty System, SCAF recommended that each multi-vessel proposal should have a single-notification fee equal to the fee for non-krill new and exploratory fisheries, and each single vessel proposal should have a notification fee 50% of the fee for non-krill new and exploratory fisheries.

14. SCAF endorsed changes to CMs 21-01, 21-02, 21-03 and 24-01 to accommodate the changes to notification fees (CCAMLR-38/10, Annex 1) and endorsed the notification fee procedures laid out in CCAMLR-38/10, Annex 1, as amended in accordance with paragraph 13 (Appendix I).

15. SCAF advised that the ICG-SF was not required to meet during the 2020 intersessional period.

16. SCAF recommended the adoption of these changes by the Commission.

Capacity building

17. In 2018, the Commission established an ICG on Capacity Building (ICG-CB) with terms of reference given in CCAMLR-XXXVII, Annex 8. South Africa, as Convener of the ICG-CB, presented the report of its work (CCAMLR-38/06).

18. South Africa noted the success of the Capacity Building Workshop in Cape Town from 8 to 10 April 2019 which was attended by participants from 13 Members and established terms of reference for a General Capacity Building Fund (GCBF) and guidelines for the Capacity Building Fund Panel.

19. SCAF endorsed the report of the ICG-CB and thanked South Africa for the work completed through the ICG-CB and for hosting the workshop. SCAF also expressed thanks to the Republic of Korea (Korea) for funding the workshop from the Korea Contribution Fund.

20. The Secretariat presented the Guidelines for the Administration of the GCBF (CCAMLR-38/BG/19), which were developed by the ICG-CB subsequent to the workshop.

21. SCAF agreed the following amendment to the objectives of the GCBF:

- (i) The GCBF shall be used to support all Contracting Parties, with priority given to all those Contracting Parties that are least effective in the implementation of their obligations under the Convention. This priority shall be afforded on the basis of evidence-based need in accordance with the CCAMLR-GCBF guidelines.

22. SCAF endorsed the establishment of a GCBF and the Guidelines for the Administration of this Fund, as amended in Appendix II.

23. SCAF endorsed funding of A\$200 000 to be transferred to the GCBF from the General Fund in 2020. SCAF agreed to look into options for sustainable financing of the GCBF in the next intersessional period.

24. SCAF recommended the establishment of the GCBF, endorsement of the guidelines and the establishment of the panel by the Commission.

25. SCAF noted that there will be a call for volunteers to the GCBF Panel after its establishment by the Commission and these positions needed to be filled before the end of the meeting.

Consideration of the Second Performance Review (PR2)

26. The Executive Secretary introduced CCAMLR-38/11. The following additional recommendations of the Second Performance Review (PR2) have now been implemented:

- (i) a GCBF has been established (Recommendation 28)
- (ii) notification fees have been restructured and will be subject to annual inflationary increases, strengthening the sustainable financing of the Commission's work (Recommendation 29).

Consideration of Dormant Funds

27. SCAF recalled that in 2018 the Commission endorsed the recommendation of SCAF with respect to Dormant Funds (CCAMLR- XXXVII, Annex 7, paragraph 53):

- (i) If a Special Fund remains inactive in expenditure for two consecutive years, and in any case every 5 years, the Commission shall undertake a review to see if a Special Fund is still meeting its intended needs, and, if appropriate, the Commission shall terminate the fund and transfer the balance to an alternative, active, Special Fund.

28. SCAF noted that as of October 2019 this rule applied to four Special Funds (CCAMLR-38/09).

Observation Scheme – USA Special Fund and Compliance and Enforcement – USA Special Fund

29. The United States of America (USA) advised that, in order to consider whether these funds should be closed or how they could best be utilised in the future, it would need to conduct further consultations within the USA and advise appropriately in the future.

Vessel monitoring system – USA Special Fund

30. The USA advised that this Fund could reasonably be used for the vessel monitoring system (VMS) expenditure. It advised the Secretariat that appropriate costs relating to the ongoing maintenance of the VMS could be set against this Fund in 2020 with a view to closing it once all remaining Funds had been expended.

Enforcement Fund

31. In 2008, the Commission received a US\$10 000 (A\$11 410) donation from a non-profit education and research foundation, the Ocean Trust, to assist with compliance and enforcement in the toothfish fishery, which was placed in the Enforcement Special Fund. The balance of this Fund is now A\$14 882.
32. SCAF considered several options for how to use this dormant Fund, including transferring the balance to the CDS Fund.
33. SCAF noted the proposal from INTERPOL (CCAMLR-38/BG/05) to hold an illegal, unregulated and unreported (IUU) fishing workshop in Namibia in 2020. This workshop will address high-risk vessel inspections involving countries more exposed to such landings.
34. INTERPOL was invited to brief SCAF on aspects of the workshop in terms of participation and funding already available. It advised that more funding would allow more countries to participate and any extra funding which could be made available would be very welcome.
35. SCAF approved use of the Enforcement Fund to support this workshop.

Review of 2019 Budget, 2020 Draft Budget and 2021 Forecast Budget

Review of 2019 Budget

36. SCAF was advised that, due to the receipt of a further payment of A\$905 003 relating to the second CDO class action, the General Fund will now show a surplus of approximately A\$704 618 as at 31 December 2019 (CCAMLR-38/04, Appendix I).
37. SCAF noted that the increase in focus in the Secretariat on staff training has resulted in a concomitant commitment to the training budget.
38. SCAF was advised that notification fees were less than originally budgeted.
39. SCAF was advised that the Working Capital Fund (WCF) was established in 2019, as approved by the Commission (CCAMLR-XXXVII, paragraph 4.5), with a transfer of A\$1 321 851 from the General Fund and has had no transactions recorded against it.
40. SCAF noted the voluntary contributions to the marine protected area (MPA) Special Fund by the USA of A\$21 915 and by the United Kingdom (UK) of A\$18 325.
41. SCAF advised that the contribution fee received from the new Member, the Kingdom of the Netherlands (Netherlands), in 2019 should be applied as recommended in Financial Regulations 6.1(d) and 6.1(e). This would result in a credit of A\$2 595 carried forward to 2020 to each of the 25 pre-existing Members.
42. SCAF noted the advice from Korea that its voluntary contribution for five years will be allocated as follows: 10% to the GCBF and the remaining 90% to the Korea Contribution Fund.
43. SCAF approved the revised 2019 budget and recommended its adoption by the Commission.

Draft Budget for 2020

44. The draft budget for 2020 (Appendix III) is based upon the continued application of the Commission's policy of zero real growth for the calculation of the equal share of Members' contributions (CCAMLR-XXXV, Annex 7, paragraph 30).
45. SCAF noted that the contributions for 2020 in the draft budget are calculated based on the application of Financial Regulations 6.1(d) and 6.1(e), taking into account that there are now 26 Members of the Commission.
46. The Scientific Committee requested funding of A\$400 000 from the General Fund to be transferred to the General Science Capacity Fund (GSCF) which would offer some sustainability for science capacity building projects such as the CCAMLR Scientific Scholarship Scheme, the funding for working group conveners and Special Activities (SC-CAMLR-38/08).
47. After discussion, SCAF approved A\$200 000 to be transferred to the GSCF in 2020.
48. SCAF advised that it was fully supportive of finding a long-term sustainable funding model for the GSCF. SCAF agreed an e-group will be established during the intersessional period to further develop the terms of reference presented in SC-CAMLR-38/08 to ensure robust processes and procedures are in place that ensure the funding is used in line with the priorities of the Scientific Committee and CCAMLR's Financial Regulations, with adequate reporting to SCAF and the Commission on how the Funds are used.
49. SCIC presented two proposals for funding totalling A\$70 000 from the CDS Fund. The first is a proof of concept for the development of an online e-CDS training package. The funding required for this proposal is A\$20 000. The second is A\$50 000 for non-Contracting Party (NCP) engagement workshops to be conducted during 2020. Both proposals were approved by SCAF.
50. SCAF recommended that the Commission transfer A\$200 000 from the General Fund to the GCBF.
51. SCAF approved the funding required for the website redevelopment proposal of approximately A\$450 000 to be financed by the General Fund and amortised across 10 years.
52. SCAF recommended that the e-group established by the Secretariat to discuss the CCAMLR brochure should be extended to discuss the website project.
53. SCAF agreed that all e-groups discussed above would be led by the Secretariat.
54. Korea reported that the Korea Contribution Fund will fund A\$75 000 for the Data Warehouse Project and A\$50 000 for the website redevelopment.
55. China reported that expenditure from the China Contribution Fund would consist of A\$50 000 in 2020 to fund one internship at the Secretariat, training for India alongside the working group meetings in 2020, additional e-CDS training for China, a proof of concept project investigating the opportunities to translate CDS training material into Chinese, Japanese and Korean, and remote access to the krill observer workshop to be held in Shanghai, China, in 2020.

56. SCAF approved A\$14 882 to be expended from the Enforcement Fund to provide assistance to countries who require support to attend the INTERPOL workshop in Namibia (paragraph 35). Following this expenditure, the Enforcement Fund would be retired.

57. The European Union (EU) welcomed this contribution which will complement its own voluntary contribution of €100 000 to CCAMLR to support its cooperation with INTERPOL in the fight against IUU fishing for the period 2020–2021.

58. SCAF approved the draft 2020 budget and recommended its adoption by the Commission.

59. Germany and Belgium, whilst accepting the Commission's policy of zero real growth, noted that their countries had a national policy for zero nominal growth budgets.

Forecast Budget for 2021

60. SCAF noted the revised forecast budget for 2021 as presented in Appendix III. The 2021 budget is indicative only.

Other business

Future meeting arrangements

61. Members considered future meeting arrangements in terms of the continued growth of attendance. The Secretariat also raised the safety issues associated with this.

62. The Secretariat was asked to provide a paper for next year's meeting setting out available options. Other organisations with similar issues could also be approached for advice and information, and the Secretariat should additionally communicate with Members to seek their views.

63. SCAF noted that the financial implications of any new arrangements should also be considered.

40th Anniversary celebrations in 2021

64. SCAF endorsed preliminary funding of A\$20 000 from the General Fund for the initial planning in the 2020 period of any celebrations that the Commission may wish to organise.

65. Further funding would be required during 2021 at a level to be decided at the 2020 SCAF meeting. The Secretariat will consult with Members to provide proposals for these celebrations.

Close of the meeting

66. In closing the meeting, the Chair informed SCAF that he would not be seeking re-election.

67. SCAF thanked Mr Timokhin for his excellent chairing and guidance of its work over the last two years, noting the significant progress that had been made on many issues.

68. The Chair closed the meeting.

CCAMLR Notification Fees Procedure

1. The Secretariat shall include an annual consumer price index (CPI) adjustment to notification fees in its annual budget papers, presented to the Commission in October each year.
2. The Secretariat shall inform Members, by COMM CIRC in mid-April each year, of the relevant fees, deadlines and relevant procedures for all notification types.
3. The Secretariat shall invoice Members as appropriate after the notification deadline and prior to the fee deadline each year.
4. The Secretariat shall report annually to the Commission on the notifications made within these deadlines.
5. If a notification under Conservation Measure (CM) 24-01, or in any other fishery, does not proceed because of a decision of the Commission, the notifying Member(s) shall receive a refund of the whole fee. In all other circumstances, a fee will not be refunded.

Type of fishery	Notification unit	Notification requirements	Notification deadline	Applicable fee	Fee deadline
Exploratory fishery for toothfish or other non-krill species where there is an existing specific conservation measure	One notification per vessel per fishing season per conservation measure	CM 21-02	1 June	Non-krill fee	1 July
New or exploratory fisheries for non-krill species that are not subject to an existing conservation measure	One notification per vessel per fishing season per subarea/division	CM 21-01, CM 21-02	1 June	Non-krill fee	1 July
Established krill fisheries	One notification per vessel per fishing season per krill fishery conservation measure	CM 21-03. For notifications under CM 51-01 (Area 48) the notification shall also specify the subareas that will be fished	1 June	Krill fee	1 July
New or exploratory fisheries for krill that are not subject to an existing conservation measure	One notification per vessel per subarea/division	CM 21-01, CM 21-02	1 June	Krill fee	1 July
Fisheries under CM 24-01, paragraph 3: proposals for a single vessel	One notification per research plan, as listed as a row in CM 24-05, Table 1	CM 24-01	1 June	50% of the non-krill fee	1 July
Fisheries under CM 24-01, paragraph 3: proposals involving more than one vessel	One notification per research plan, as listed as a row in CM 24-05, Table 1	CM 24-01	1 June	Non-krill fee The fee will be divided between Members participating in the research plan, as decided by them	1 July

**Guidelines for the Administration of the General Capacity Building Fund
(hereafter the 'Fund')**

(as provided by Regulation 6.2 of the Financial Regulations)

Objectives

1. The overall objectives of the Fund are to:
 - (i) support all Contracting Parties, with priority given to all those Contracting Parties that are least effective in the implementation of their obligations under the Convention. This priority shall be afforded on the basis of evidence-based need in accordance with these guidelines
 - (ii) create confidence and ability for Members to achieve the objectives of the Convention
 - (iii) improve Members' ability to contribute to the work of the Commission, and the Scientific Committee, their subsidiary bodies and the Secretariat
 - (iv) improve the overall system of operation of CCAMLR
 - (v) support the needs of individual Members
 - (vi) increase knowledge sharing and expertise between CCAMLR Members emphasising the value of cooperation.

Provisions

2. The Fund will be operated according to the following provisions:
 - (i) The Fund shall be used for specific projects, activities or travel support, or to address special needs of Members if the Commission so decides, aimed at enhancing Members' capacity to better achieve the objective of the CAMLR Convention. The Fund may also be used for assisting the Secretariat or Members to provide capacity building activities/opportunities to other Members.
 - (ii) The Fund shall be used primarily for projects or specific activities identified and proposed to be conducted by Members. Initiatives that build partnerships between Members or between Members and the Secretariat are encouraged.
 - (iii) The Fund shall also be accessible to Acceding States and non-Contracting Parties cooperating with the Catch Documentation Scheme for *Dissostichus* spp. (CDS) where the project, activity or travel support aligns with the objectives of the Fund and has the support of one or more Members.

- (iv) The Fund shall not be used for routine Member or Secretariat activities, unless it is aimed to increase the diversity and effectiveness of meetings, through attendance, participation and chairing meetings.
- (v) The Fund will support projects/activities that address the needs identified by the Capacity Building Workshop and included at Attachment 1 except if these activities could be supported by another Special Fund maintained by the Commission. The types of projects/activities that the Fund will support include:
 - (a) educative activities such as ensuring that many different interest groups involved in CCAMLR (such as scientists, fishers, fishing industry and supply chain companies, policy makers, etc.) understand the conservation measures and individual obligations
 - (b) mentoring and partnership programs (where partnerships are developed on the basis of geographic operation or other consideration) which can be between Members, the Secretariat or other stakeholders as determined by the Panel and approved by the Commission from time to time
 - (c) the development of organisational capacity through training courses and work programs and secondments or internships
 - (d) projects, activities and meeting support to increase the diversity and effectiveness of meetings, through attendance, participation and chairing meetings
 - (e) other activities, as shall be decided by the Panel and approved by the Commission.

3. The Financial Regulations of the Commission shall apply to the Fund. The use of the Fund shall be underpinned by the principles of transparency and accountability.

Resourcing

4. The Fund will be open to voluntary contributions and to specific allocations made from dormant special funds following the mechanism agreed by CCAMLR in 2018 (SCAF-2018 report, paragraph 53) or from the surplus of the General Fund, as decided by the Commission.

Procedures for applications for specific projects or activities seeking support from the Fund

5. The following procedures will apply:

- (i) Proposals for specific projects or activities may be made by Members, by the Commission or the Scientific Committee and their subsidiary bodies, or by the Secretariat. Proposals shall be submitted to the annual meeting of the Commission as working papers.

- (ii) Proposals being submitted shall, as a minimum, include:
 - (a) a description of the project and/or scope of the project/activity
 - (b) a statement of the anticipated benefit to the Member(s) and CCAMLR
 - (c) an outline of how the project addresses a capacity building need as identified in Attachment 1 and modified from time to time by the Commission
 - (d) details of the project timeline, budget and when the outcomes will be reported to CCAMLR.
- (iii) Applications by those eligible to access the Fund shall be submitted to the Executive Secretary in the form contained in Schedule A for general applications, no later than 15 July each year. The Executive Secretary shall promptly circulate any such applications to the Panel established to review the proposals.

Provision of funds

6. Projects will be funded 30% of the approved budget upon the signing of the Deed of Funding by all relevant parties.
7. Interim payments will be released as outlined in the Deed of Funding, typically upon the reaching of milestones or the acceptance of interim reports.
8. The last payment will be made when the final report is accepted by the Panel and the Commission meeting of that year.

Assessment of Applications

9. The Commission will designate no less than six Members to serve on a Panel, each of which shall serve for a term of two years and may serve no more than two consecutive terms, to review proposals and to make recommendations to the Commission on whether to fund proposals.
10. The Commission will select the Members of the Panel. In order to achieve this, the Commission will call for nominations.
11. The Panel should seek to be comprised of representatives with a range of suitable expertise who are capable of assessing proposals that span science-related work; compliance and management; institutional affairs; and developing data and information systems to support decision-making. Where necessary, Panel members may seek expert advice on specific proposals.
12. The Panel will receive applications by 1 August each year and will meet virtually prior to the Commission meeting. The Panel will meet during the first week of the Commission's annual meeting and shall make a recommendation for funding to the Standing Committee on

Administration and Finance (SCAF). To avoid conflict of interest, a Panel member will be excluded from the discussion of applications from which their country would directly benefit.

13. When reviewing specific projects or activities, the Panel shall consider how closely aligned to the capacity building needs, as identified in Attachment 1, the project is, the availability of funds, whether the project is value for money, the number of Members benefiting from the project and the geographic spread of benefit.

14. Applications that are eligible for funding from another CCAMLR Fund will be ineligible for funding from the General Capacity Building Fund (GCBF).

15. The Panel shall report its recommendations on new applications to the Commission. SCAF shall consider the recommendations of the Panel and decide on appropriate projects and funding as a standing agenda item at its annual meeting and make a recommendation to the Commission.

Procedure for travel assistance to a meeting/workshop

16. The Commission shall, each year, define an amount of money from the GCBF that the Panel may allocate to supporting travel applications. The Panel shall have the authority to grant applications for travel assistance, up to this limit, according to the priority indicated by the selection and evaluation criteria contained in Schedule D.

17. In assessing applications for travel assistance to a meeting, the Panel shall consider the criteria for selection and evaluation as contained in Schedule D and be guided by the purpose of the Fund, the provisions of the Convention, the financial needs of the applicant and the availability of the Fund.

18. The closing date(s) for application for travel assistance to a meeting will be defined by the Panel as appropriate. The Panel may define more than one closing date each year.

19. The applicants will receive confirmation of the level of support granted, according to the outcomes of the matrix in Schedule D, as soon as possible.

20. The following conditions shall apply to the travel support granted:

- (i) maximum limits for airfare and hotel accommodation shall apply, being economy class airfare and the relevant United Nations per diem rate
- (ii) the Head of Delegation, or, alternatively, the applicants themselves, shall be required to sign a statement disclosing details of additional funding, if any, obtained or sought for this travel
- (iii) the applicants shall make travel arrangements according to the type and level of support granted
- (iv) the applicants shall provide adequate supporting documents to prove the travel costs declared within two months of the end of the meeting, such as invoices, hotel booking/receipts, air tickets and air flight boarding cards in the context of the checks or audits for the Secretariat's accounting records.

Reporting

21. Where a Member(s) project is being funded according to paragraph 5, with the exception of paragraph 22 below, that Member(s) 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 no later than 15 July. When the project is completed, that Member shall provide a final statement of account certified as appropriate and approved by SCAF.
22. Where the funding is provided solely in relation to travel for attendance at meetings, a simplified report shall be appropriate detailing the staff involved and meetings attended.
23. 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, and a summary of travel grants issued. The report will be circulated to Members in advance of the annual meeting.
24. Ongoing and final project reports will be circulated to Panel members on, or before, 1 August for consideration. The Panel will meet (virtually if necessary) to review these reports and to formulate recommendations on all ongoing projects for the upcoming Commission meeting.
25. The Panel may consider a recommendation to cancel an ongoing project. Such a recommendation shall be exceptional and shall consider progress made to date and likely progress in the future. Such consideration will be communicated to the project coordinator who will have an opportunity to present a case for continuation of funding to the Panel.
26. Recommendations on ongoing projects will be made as a working paper by the Panel to the Commission.
27. Recommendations for new applicant projects shall be made in a separate paper by the Panel.
28. The Panel shall also provide a report on all the applications for travel assistance that it has approved and granted through the year.
29. The Panel shall report to the Commission annually on the operation of the GCBF procedures.
30. The Commission shall review the Panel's report of 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.
31. The Commission may modify these provisions at any time.

Accounting

32. Appropriate records and accounts shall be maintained for the Fund, and the Executive Secretary shall report the status of the Fund, the amount used to provide assistance for the development of capacity building and details of such assistance, together with the level of available funds, during the annual meeting of the Commission.

**Relationship between the objective of the capacity building program
and the needs that will be addressed by the program**

Objective	Focus Area	Needs
Article II of the Convention	Research and science	<ul style="list-style-type: none"> Research plan quality Data reporting quality Observer skills Scientific skills Marine protected area (MPA) science
	Compliance and management (conservation measures)	<ul style="list-style-type: none"> Catch Documentation Scheme for <i>Dissostichus</i> spp. (CDS) implementation Inspections/reporting Understanding Member and vessel obligations Combatting illegal, unreported and unregulated (IUU) fishing
	Cooperation, engagement and administration	<ul style="list-style-type: none"> Attendance at meetings and workshops Early career researchers and gender diversity Acceding States/non-Contracting Parties (NCPs)/regional fisheries management organisations (RFMOs) and others as identified from time to time by the Commission

**Application form for assistance from
the General Capacity Building Fund**

1. Project Summary (250 words maximum)

A Project Summary shall be submitted with the application. This will detail, at a minimum, the following

- (i) CCAMLR Member, Acceding State¹ or Party cooperating with the Catch Documentation Scheme for *Dissostichus* spp. (CDS)
- (ii) Activity proposed (this report, Appendix II, paragraph 2.iii)
- (iii) Needs addressed (this report, Attachment 1)
- (iv) Budget requested
- (v) Project start date
- (vi) Anticipated outcome.

2. Proposal narrative (six pages maximum)

- (i) Introduction
 - (a) situation, need and previous efforts – gaps in knowledge or capabilities, why the proposed project should be performed, review significant related work and how the project is relevant to the purpose of the Fund
 - (b) objective(s) – the anticipated outcome(s)
 - (c) applications, benefits, and importance – how the anticipated results relate to the purpose/objectives of the Convention and the expected benefits.
- (ii) Method and approach
 - (a) description of major activities and tasks – describe the tasks that must be performed to accomplish the objective(s). For applications for supported meeting attendance (this report, Appendix II, paragraph 2(v)d), list the meetings
 - (b) follow-up action – identify follow-up action after completion of the project.
- (iii) Project management
 - (a) administration – the administrative responsibilities and authority of those involved in the execution of the Proposal – particularly those of the overall project manager (including full contact details).

¹ An Acceding State or non-Contracting Party (NCP) cooperating with the CDS may apply to the Fund where an application has the support of a Member.

- (b) roles/assignments and participation time – the team composition and estimate of the duration of the project.
- (iv) Literature cited
 - (a) References used in the proposal narrative.
- (v) Budget and audit
 - (a) general information – when did the applicant last receive assistance from the Fund
 - (b) an itemised budget including co-financing and funding in-kind –a detailed budget identifying all sources of funding and items of anticipated expenditure shall be provided
 - (c) applications must be made in Australian dollars
 - (d) audit – applicants should note that an audit will be automatically required for any funding over A\$200 000.
- (vi) Biographies and qualifications
 - (a) A brief biography for each team member that highlights education, experience, and publications related to the proposed project shall be provided.

**Selection and evaluation criteria to be used by the Commission
for assessing applications for capacity building**

1. Needs
 - (i) A Member that is two or more years in arrears shall be ineligible for funding.
 - (ii) Does the project address a **need** that is identified in the guidelines, this report, Appendix II, Attachment 1?
 - (iii) Does the proposal make it clear that the Member has this specific need?
 - (iv) Will the project adequately address the need, and improve the capacity of the beneficiary to assist in fulfilling its obligations under the Convention, and participate effectively in the work of the organisation?
 - (v) Assessment of applications will also consider positively whether the Member has a low existing engagement in CCAMLR's work, measured, for instance and where relevant, by the following:
 - (a) low number of papers submitted per year
 - (b) low infrastructure, including bases a Member has in Antarctica
 - (c) small size of delegation at each CCAMLR meeting.
2. Projects/activities and objectives
 - (i) Are the approach, methods, outcomes and objectives clearly set out?
 - (ii) Does the project address the wider objectives of the capacity building fund (guidelines, this report, Appendix II, paragraph 1) to:
 - (a) create confidence and ability for Members to achieve the objectives of the Convention
 - (b) improve Members' ability to contribute to the work of the Commission and the Scientific Committee, their subsidiary bodies and the Secretariat
 - (c) improve the overall system of operation of CCAMLR
 - (d) support the needs of individual Members
 - (e) increase knowledge sharing and expertise between CCAMLR members emphasising the value of cooperation?
 - (iii) Does the application seek to apply one of the identified projects/activities (guidelines, this report, Appendix II, paragraph 2)? If not, is this new project/activity justified in terms of addressing the identified need?

(iv) Will the project benefit more than just the beneficiary? Does capacity building target a number of Members across a wide geographical area (guidelines, this report, Appendix II, paragraph 13)?

(v) Is maximum use made of other existing organisations, either at regional or national level, to coordinate and assist with capacity development?

3. Costs and capacity

(i) Is the project value for money; are the proposed costs of the activity reasonable and in proportion to the likely benefits?

(ii) Has the applicant received prior support from the Fund? If so, was the activity successful?

(iii) Does the applicant have the demonstrated capacity to benefit fully from the project and ensure the outputs are fully utilised?

4. Outcomes

(i) How will the success of the intervention be measured?

(ii) Is there provision for disseminating information on the project's activities and results to an appropriate range of stakeholders?

The table below shows how the above criteria will be applied by the Panel:

Member ² :			
Project title:	Evaluation criteria	Weight	Score (between 1 for no and 10 for yes, or scores in between)
	Is the application from a Member which is two years or more in arrears in their contribution? If 'yes' the Member is ineligible for funding from the GCBF.		
	Does the project address a need that is identified in guidelines, this report, Appendix II, Attachment 1? Does the proposal make it clear that the Member has this specific need?	3	
	Will the project adequately address the need, and improve the capacity of the beneficiary to assist in fulfilling its obligations under the Convention, and participate effectively in the work of the organisation?	2	
	Does the Member have a low existing engagement in CCAMLR (e.g. low number of papers produced per year, limited infrastructure (research platforms, fishing vessels, bases in Antarctica), small size of delegation to CCAMLR)?	2	
	Does the project address the wider objectives of the capacity building fund (guidelines, this report, Appendix II, paragraph 1)?	3	
	Are the approach, methods outcomes and objectives clearly set out?	2	
	Does the application seek to apply one of the identified projects/activities (guidelines, this report, Appendix II, paragraph 2)? If not, is this new project/activity justified in terms of addressing the identified need?	2	
	Will the project benefit more than just the beneficiary? Does capacity building target a number of Members across a wide geographical area (guidelines, this report, Appendix II, paragraph 9)	1	
	Is the project value for money; are the proposed costs of the activity reasonable and in proportion to the likely benefits?	3	
	Is maximum use made of other existing organisations, either at regional or national level, to coordinate and assist with capacity development?	1	
	Needs evaluation score		

² Includes Accessing States or non-Contracting Parties (NCPs) cooperating with the Catch Documentation Scheme for *Dissostichus* spp. (CDS), where an application has the support of a Member.

Application form for travel support to attend a meeting/workshop

1. Applicant basic details:

Full name: _____

Position: _____

Organisation: _____

Email: _____

Delegation³: _____

2. Type of support (please select one or more options):

 Travel

Details _____ Amounts A\$ _____

 Per diems

Details _____ Amounts A\$ _____

 Other items

Details _____ Amounts A\$ _____

3. Has the applicant previously participated in Commission, Scientific Committee or working group meetings and/or workshops?

 Yes No

4. Will the applicant play a significant role during the meeting?

 Yes (please elaborate)

 No

5. Amount requested: A\$ _____

³ An Acceding State or non-Contracting Party (NCP) cooperating with the Catch Documentation Scheme for *Dissostichus* spp. (CDS) may apply to the Fund where an application has the support of a Member.

**Selection and evaluation criteria to be used by the Panel
for assessing applications for travel support**

1. A Member that is two or more years in arrears shall be ineligible for funding.
2. Is the applicant from a Member⁴ with a clear **need** for assistance to deliver the Objectives of the Fund (guidelines, this report, Appendix II, paragraph 1)?
3. The annual total claims to the travel portion are limited to 20% of the balance of the General Capacity Building Fund (GCBF) provided that this is limited to a maximum A\$40 000 per year.
4. Is the applicant the only representative of a Member at the meeting, or part of a small delegation where the size of the delegation restricts the ability of the Member to fully engage and deliver the objectives of CCAMLR?
5. Will the applicant play a significant role during the meeting such as Chair/Vice-Chair, Head of Delegation (HoD) the meeting?
6. Does the applicant represent a Member who does not have any outstanding financial contribution to the Commission?
7. Has the applicant previously participated in CCAMLR meetings/workshops?
8. Will the applicant receive other financial support for attending the meetings/workshops?

⁴ Includes Acceding State or non-Contracting Party (NCP) cooperating with the Catch Documentation Scheme for *Dissostichus* spp. (CDS), where an application has the support of a Member.

The table below shows how the above criteria will be applied by the Panel:

Meeting/workshop:			
Evaluation criteria	Weight	Name	Name
		Applicant 1: _____	Applicant n: _____
		Delegation: _____	Delegation: _____
		Score (between 1 for no and 10 for yes, or scores in between)	
Is the application from a Member which is two years or more in arrears in their contribution?			
If 'yes' the Member is ineligible for funding from the GCBF.			
Is the applicant from a Member with a clear need for assistance to deliver the objectives?	3		
Is the applicant the only representative of a Member at the meeting, or part of a small delegation where the size of the delegation restricts the ability of the Member to fully engage and deliver the objectives?	2		
Will the applicant play a significant role during the meeting such as Chair/Vice-Chair, HoD during the meeting?	2		
Has the applicant previously participated in CCAMLR meetings/workshops?	1		
Will the applicant receive other financial support for attending the meeting/workshop?	1		
Score			

Terms of reference for the Capacity Building Fund Panel

The following draft terms of reference shall apply to the Panel:

1. Composition of Panel

- (i) The Commission will designate no less than six members to serve on a Panel to review proposals and to make recommendations to the Commission on whether to fund proposals. Members of the Panel shall serve for a term of two years and may serve no more than two consecutive terms.
- (ii) The Commission will select the members of the Panel.
- (iii) Members may nominate individuals with particular expertise that covers different disciplines. The different disciplines are defined in term of reference 3(i).
- (iv) The panel should reflect the diversity of Members of the Commission. Diversity includes language, geographic spread and gender.

2. Co-option of members

- (i) It is recommended that a process be developed so that the Panel, through its Chair, can co-opt members through Commissioners.

3. Expertise

- (i) The Panel should seek to include representatives spanning the Commission, Scientific Committee, Standing Committee on Implementation and Compliance and Standing Committee on Administration and Finance. The Panel should seek to be comprised of representatives with a range of suitable expertise who are capable of assessing proposals that span science-related work; fisheries compliance and management; institutional affairs; and developing data and information systems to support decision-making.

4. Functions

- (i) The Panel shall approve the method of application.
- (ii) The Panel shall consider the applications submitted and make recommendations to the Commission.

5. Regularity of meetings and reporting

- (i) The Panel shall convene virtually in September and will meet in person during the first week of the Commission meeting.
- (ii) The Panel Chair may call an extraordinary meeting. The conditions for calling an extraordinary meeting shall be agreed by the Panel.

6. Vacancy management
 - (i) The Panel will decide a replacement considering the rules for the composition of the Panel and the remaining Panel member composition.
7. Decisions
 - (i) Decisions of the Panel shall require four Panel members to be present. Decisions will be made according to the rules of the Commission.
8. Chairing
 - (i) Members of the Panel will nominate the Chair.
9. Convening of meetings
 - (i) The Chair will convene the meetings of the Panel. Assistance will be provided by the Secretariat as required.
10. Term of office
 - (i) The term of office is a period of two years. The Commission will consider staggering expiration of terms.
11. Code of conduct
 - (i) Will be in line with the Rules of Procedure of the Commission.
12. Declaration of interests
 - (i) To avoid conflict of interest, a Panel member will be excluded from the discussion of applications from which their country would directly benefit.

Deed of Funding

(Approved travel will be documented using CCAMLR's standard travel permission document)

CCAMLR General Capacity Building Fund (hereafter called 'the Fund')

Researcher/organisation name: _____

Primary point of contact: _____

Other collaborators: _____

Grant purpose: _____

Grant amount A\$: _____

Grant timeline: _____

The above project was approved by the General Capacity Building Fund Panel and the Standing Committee on Administration and Finance (SCAF) and this decision was endorsed by the subsequent meeting of the Commission <<CCAMLR-XX, paragraphs xx to xx>>.

The conditions of this agreement are set forth below:

1. The purpose of the project
 - 1.1 The objectives and purpose of the project are detailed in the attached Project Proposal (Attachment A).
2. Funding and grant duration
 - 2.1 CCAMLR will provide A\$_____ to <<name of organisation>> to carry out the activities as described in the approved Project Proposal (Attachment A). Funds granted are to be expended as shown in the project budget (contained within Attachment A).
 - 2.2 The project's timeline is _____ to _____ (see Attachment B for detailed timeline).
3. Payment of Funds
 - 3.1 Funds will be paid in the following manner: ___% at the commencement of the Project and after the signing of this agreement; a subsequent payment at the completion of _____ (#) milestone, and the last payment after the final report has been submitted and accepted by the Commission. Such acceptance shall not be unreasonably withheld.
 - 3.2 The financial and reporting requirements for the project are outlined in paragraphs 5, 6 and 7.

4. Use of Funds
 - 4.1 The funds provided for this project must be used only for the purpose agreed in the project proposal and budget.
5. Financial record keeping
 - 5.1 All financial reports and statements are to be prepared in accordance with generally accepted accounting principles.
 - 5.2 A copy of all receipts, invoices and financial records substantiating grant expenditures must be submitted with the financial report.
 - 5.3 All expenditure statements must be verified by relevant invoices and signed by appropriately senior officials within the funded organisation.
6. Financial reporting requirements
 - 6.1 The financial report will include project budget line items and reporting of expenditures against budget items. The financial report is to be certified as true and correct by the Head of Finance (or similar) for the <<name of organisation being funded>>.
 - 6.2 The financial report will be submitted within 60 days of the submission of the final report at the completion of the project.
7. Project reporting requirements
 - 7.1 Annual progressive implementation reports, and a final report, will be submitted to the Commission. These will be submitted to the Secretariat in time for a summary report to be distributed as a working paper.
 - 7.2 The final 20% of the project funds will not be released until the Commission has been informed of project outcomes and the financial report has been submitted and accepted by CCAMLR. Such acceptance shall not be unreasonably withheld.
8. Requirements and variations
 - 8.1 <<name of organisation and contact>> agrees to expend the funds in accordance with the approved budget and project proposal. Any modifications to the agreed budget or to the agreed project proposal must have written authorisation from the Panel. In some circumstances such changes may need to be referred to the Commission.
 - 8.2 Any funds disbursed but not expended will be returned to CCAMLR at the time the financial report is submitted to CCAMLR.

9. Termination

- 9.1 CCAMLRL may terminate this Agreement by giving the <<name of organisation>> 10 days' notice in writing if it is determined that the Terms and Conditions of this agreement are not being followed. <<name of organisation>> may terminate this agreement by giving CCAMLRL 10 days' notice in writing.
- 9.2 In the event of such termination, the <<name of organisation>> shall be entitled to funding for the part of the work performed in accordance with this agreement up to the date of termination.
- 9.3 In the event of termination, CCAMLRL reserves the right to take such action as may be necessary to recover any unauthorised expenditures. Such recovery shall only take place under this agreement and not extend to recovery from any other agreement in place between CCAMLRL and <<name of organisation>>. Funds recovered shall in no event exceed the funding actually granted to <<name of organisation>> under this agreement.

10. Intellectual property

- 10.1 Any arising intellectual property rights shall reside with the collaborator generating the same. Each collaborator shall grant to the other collaborators and to CCAMLRL an irrevocable, royalty-free right to use its arising intellectual property for academic research purposes, including in research projects that are sponsored by third parties provided that the use of the intellectual property in those projects does not involve the disclosure of any confidential information to the third Parties. For the avoidance of doubt, background intellectual property shall continue to be owned by the party introducing the same.
- 10.2 <<name of organisation>> and the other collaborators reserve the right to publish results in accordance with normal practice. Publication shall only include CCAMLRL data with the prior agreement of CCAMLRL under the [Rules for Access and Use of CCAMLRL Data](#).

11. Confidentiality

- 11.1 The confidentiality arrangements detailed in this section 11 shall apply and shall also be adhered to in respect of the [Rules for Access and Use of CCAMLRL Data](#). For the purpose of section 11, 'Confidential information' shall mean any information that is by its nature confidential and a party knows or ought to know is confidential or is agreed between the Parties as constituting confidential information for the purposes of this Agreement.
- 11.2 Both Parties will use all reasonable endeavours not to disclose to any third Party any confidential information nor use for any purpose except as expressly permitted by this agreement, any of the other Party's confidential information.
- 11.3 The provisions of clause 11.2 shall not apply for disclosure or use of confidential information, if and in so far as:

- 11.3.1 the confidential information became publicly available by means other than a breach of the recipient's confidentiality obligations
- 11.3.2 the disclosing Party has informed the recipient that the confidential information is no longer confidential
- 11.3.3 the confidential information is communicated to the recipient without any obligation of confidence by a third Party who is in lawful possession thereof and under no obligation of confidence to the disclosing party
- 11.3.4 the confidential information, at any time, was developed by the recipient completely independently of any such disclosure by the disclosing party
- 11.3.5 the confidential information was already known to the recipient prior to disclosure as proven by the recipient's pre-existing documentation.

12. Liability

12.1 The liability of the <<name of organisation>> howsoever arising in respect of, or attributable to, any breach, non-observance or non-performance of the agreement or any error or omission shall be limited to the funding granted to the <<name of organisation>> under this agreement, except in the case of death or personal injury, attributable to the negligence of the <<name of organisation>> or its employees.

13. Attachments

13.1 All attachments to the grant agreement are incorporated into the agreement.

- Attachment A – Project Proposal including Project Budget
- Attachment B – Project Timeline.

Signed this _____ day of _____

Signed for CCAMLR: _____

Name: _____

Position: _____

Signature of Witness: _____ Name: _____

Signed for the <<name of organisation>>: _____

Name: _____

Position: _____

Witness: _____ Name: _____

**Budget paper revised 2019, draft 2020 and forward estimates
for years 2021 and 2022**

	2016	2017	2018	2019		2020	2021	2022	Notes
	Final audit figures	Final audit figures	Final audit figures	Original budget	Revised budget	Budget	Forecast	Forecast	
General Fund									
Income									
Core Members' Contribution	3 272 000	3 272 000	3 349 500	3 433 238	3 433 238	3 518 331	3 598 764	3 684 479	Netherlands Membership subsumed within total Contribution Budget. The credit from the contribution from the Netherlands in 2019 is provided as a credit in 2020 of A\$2 595. Member contributions are calculated on the basis of a 2.5% increase each year taking into account the Commission's zero real growth policy.
Members' Special Contributions Interest	168 384	157 447	166 135	180 000	180 000	180 000	180 000	180 000	Interest rates remain low and predicted to remain so during 2019, 2020 and 2021 . Interest is dependent on actual rates, timing of receipts of Members' contributions, number of fisheries notifications received. There is considerable uncertainty associated with each of these items.
Staff Assessment Levy (SAL)	501 252	517 836	489 639	500 000	500 000	470 000	470 000	470 000	The SAL represents income deducted from staff salaries in respect of tax. The actual SAL will not be known until the completion of the tax year and the staff members' tax returns have been assessed by the Australian Taxation Office. Due to changes in deductibility of staff's own superannuation contributions, the forward estimates through to 2020 remain cautious.
Fund transfers – Forfeited Fishery Deposits	95 000	220 000	240 730	155 000	170 000	150 000			In line with the Strategic Plan 2019–2022, it is anticipated that the deposit system will cease with a corresponding increase in fisheries notification fees. This is reflected from 2020 on.

	2016	2017	2018	2019		2020	2021	2022	Notes
	Final audit figures	Final audit figures	Final audit figures	Original budget	Revised budget	Budget	Forecast	Forecast	
General Fund (continued)									
Fund transfers – other	-31 264								
Sales (Tagging)	32 910	48 175	21 239	30 000	30 000	35 000	35 000	35 000	
Miscellaneous income – Fisheries Notifications	408 600	385 800	414 000	479 000	427 800	732 872	751 205	769 979	It is recommended that the Fisheries Notifications Fund be retired and income generated from these fees be recorded directly in the General Fund. This is budgeted from 2020 through the forward estimates.
Miscellaneous income – Rent Contributions	383 490	390 561	399 087	403 500	403 500	415 375	425 800	436 400	Contributions from the Australian and Tasmanian governments are matched against the rent expenditure and are budgeted to increase 2.5% each year through to 2021.
Miscellaneous income – Grants									
Miscellaneous income – Other	9 502	69 105	54 419	11 500	919 211	40 000	50 000	50 000	The 2019 Misc income includes a deposit of A\$915 003 as final settlement of the CDO claim against the Ratings Agencies.
Total income	4 839 874	5 060 924	5 134 749	5 192 238	6 063 749	5 541 578	5 510 769	5 625 858	
Expenditure									
Salaries	3 273 717	3 456 291	3 292 728	3 646 902	3 698 631	3 891 304	4 003 872	4 112 729	The final Salaries and Allowances expenditure will depend on the amount of overtime payable, particularly during annual meeting time, and payments required to the Staff Termination Fund. 2019: Anticipating a small increase to budget expenditure due to increased IT contracts. 2020 and 2021: Are budgeted based on the Strategic Plan 2019–2022 and include incremental and CPI increases.
Equipment (including depreciation)	148 156	150 096	178 066	215 200	215 200	219 504	223 894	228 372	
Insurance and Maintenance	203 293	229 777	222 072	246 000	246 000	250 920	252 000	252 100	The provisions across the forward estimates takes account of anticipated CPI increases.
Training	14 685	13 070	20 580	30 000	50 000	60 000	60 000	60 000	The training budget is projected to increase in line with the recommendation of the Strategic Plan 2019–2022 as an important tool to ensure staff remain up to date with the increasing complexity of Secretariat activities.

	2016	2017	2018	2019		2020	2021	2022	Notes
	Final audit figures	Final audit figures	Final audit figures	Original budget	Revised budget	Budget	Forecast	Forecast	
General Fund (continued)									
Meeting Facilities	312 627	301 648	372 919	365 000	365 000	370 000	375 000	378 000	This budget item is forecast to have small increases annually. Final amounts of overtime associated with interpretation during the annual meeting will impact the final totals.
Travel	146 468	153 230	153 838	185 000	185 000	190 000	190 000	190 000	Travel is projected to cover the attendance by staff at the various intersessional meetings, the Executive Secretary undertaking Member outreach and other necessary staff travel approved by the Executive Secretary.
Printing	11 052	12 266	14 889	18 000	18 000	18 000	18 000	18 000	
Communications	38 346	31 446	29 749	47 000	47 000	47 000	49 000	51 000	
Sundry (incl. audit)	60 670	91 940	206 808	90 000	90 000	95 000	95 000	95 000	
Rent/COGS	413 932	435 900	419 169	444 300	444 300	450 375	460 800	471 400	Rent expenditure is predicted to increase by 2.5% annually.
Expenditure									
Website redevelopment						25 000	40 000	50 000	Amortising expenditure for the website redevelopment over 10 years.
40th anniversary						20 000			
Transfer to WCF					-1 206 851	-87 425	-32 616	-34 759	In 2019 the WCF is established with a transfer from the General Fund. In subsequent years, the transfers ensure that the WCF remains at a balance equivalent to 3 months' budgeted expenditure.
Transfer to General Capacity Building Fund (GCBF)						-200 000			Transfer from the General Fund to the GCBF upon its establishment.
Transfer from Fisheries Notifications Fund					363 920				The closure of the Fisheries Notifications Fund and subsequent transfer of the balance to the General Fund.
Transfer to General Science Capacity Fund						-200 000			
Total expenditure	4 622 946	4 875 664	4 910 818	5 287 402	5 359 131	5 637 103	5 767 566	5 906 601	
Surplus/(Deficit)	216 928	185 260	223 931	-95 164	704 618	-95 524	-256 797	-280 743	
General Fund balance at 01 Jan	1 774 281	1 991 209	2 176 469	2 400 400	2 400 400	2 262 087	1 679 138	1 389 725	
General Fund balance at 31 Dec	1 991 209	2 176 469	2 400 400	2 305 236	2 262 087	1 679 138	1 389 725	1 074 223	As forecast in the Strategic Plan 2019–2022, the General Fund balance slowly declines towards the approved year-end balance of approximately A\$100 000.
Outstanding contributions at 31 Dec	411 698	504 283	126 628						

	2016	2017	2018	2019	2020	2021	2022	Notes
	Final audit figures	Final audit figures	Final audit figures	Revised budget	Budget	Budget	Budget	
Equity Funds								
Asset Replacement Reserve								
								As the main item of income for the funds is interest, the only note added will be in relation to other income sources
Income	17 251	49 807	37 150	25 000	35 000	25 000	25 000	25 000
Expenditure	-4 444	-4 444	-4 444	-4 444	-204 444	-4 444		-40 000
Balance at 31 Dec	318 903	364 266	396 972	384 822	227 528	248 084	-273 084	258 084
								Part of the budgeted income from hiring Secretariat meeting facilities are paid into this reserve.
								A\$4 444 is amortisation of the enlarging of the SCIC meeting room. It continues for the lease period of the premises. The additional transfers, A\$200 000 and A\$35 934 are to the Staff Replacement Fund to cover the cost of the relocation expenses of newly appointed international officers.
Working Capital Fund (WCF)								
Income				1 321 851	87 425	32 616	34 759	
Expenditure								
Balance at 31 Dec				1 321 851	1 409 276	1 441 892	1 476 651	
								The WCF is established in 2019 with a transfer from the General Fund and is maintained at 3 months of budgeted expenditure through further transfers from the General Fund.
Staff Replacement Fund								
Income					200 000			40 000
Expenditure			-54 849	-51 000	-90 000	-60 000	-60 000	-20 000
Balance at 31 Dec	135 846	135 846	80 997	29 997	190 997	130 997	70 997	90 997
								See Asset Replacement Reserve notes above.
								Budgeted expenditure for relocation of newly appointed international officers.
Korea Contribution Fund								
Income					309 500	278 550	278 550	278 550
Expenditure	-61 302	-65 554	-32 701	-100 000	-210 950	-125 000	125 000	-150 000
Balance at 31 Dec	402 340	336 786	304 085	204 085	402 635	556 185	959 735	1 088 285
								Amended to 90% of the voluntary contribution from Korea of A\$309 500 per year for five years.
								Amended to KCF contributing \$50K per year for 2020 and 2021 to the website redevelopment.
China Contribution Fund								
Income					338 699			
Expenditure					-30 000	-50 000	-50 000	-50 000
Balance at 31 Dec					308 699	258 699	208 699	158 699
								In 2019, this will cover one internship, training for India alongside the mid-year meetings, additional e-CDS training for China, a proof of concept project investigating the opportunities to translate CDS training material to Chinese, Korean and Japanese, and remote access to the krill observer workshop.
Fisheries Notifications Fund (information only – included above)								
Income	408 600	385 800	385 800	414 000				
Expenditure	-408 600	-385 800	-385 800	-414 000	-363 920			
Balance at 31 Dec	363 920	363 920	363 920	363 920	Nil			
								The Fisheries Notifications Fund will be retired in 2019 and the balance of the Fund transferred to the General Fund.

	2016	2017	2018	2019		2020	2021	2022	Notes
	Final audit figures	Final audit figures	Final audit figures	Original budget	Revised budget	Budget	Forecast	Forecast	
Special Funds									
General Capacity Building Fund (GCBF)									
Income					88 304	232 275	34 259	32 253	Contribution from KCF amended to 10% of A\$309 500 voluntary contribution made for five years. A\$200 000 transfer from the General Fund.
Expenditure						-100 000	-150 000	-150 000	
Balance at 31 Dec					88 304	220 579	104 837	-12 640	
Contingency Fund									
Income	205 000	165 000	5 000	5 000					The Contingency Fund will be retired in 2019.
Expenditure	-95 000	-220 000			-265 000				
Balance at 31 Dec	315 000	260 000	265 000	265 000	Nil				
Observer Fund									
Income	3 179	2 722	2 942	2 750	2 139	2 130	2 162	2 195	
Expenditure									
Balance at 31 Dec	134 207	136 929	139 871	142 621	142 010	144 140	146 303	148 497	
VMS Fund									
Income	399	342	370	345	269				To be expended on VMS maintenance.
Expenditure						-17 843			
Balance at 31 Dec	16 862	17 204	17 574	17 919	17 843				
CDS Fund									
Income	42 370	34 131	36 167	32 560	22 517	22 366	21 652	20 476	Projected expenditure to be approved by SCIC.
Expenditure	-95 128	-91 632	-96 620	-158 500	-158 500	-70 000	-100 000	-100 000	
Balance at 31 Dec	1 745 005	1 687 504	1 627 051	1 501 111	1 491 068	1 443 434	1 365 085	1 285 561	
Compliance Fund									
Income	742	635	686	642	499	497	504	512	
Expenditure									
Balance at 31 Dec	31 306	31 941	32 627	33 269	33 126	33 623	34 127	34 639	
MPA Fund									
Income	1 625	32 950	2 182	1 380	41 816	1 733	1 756	1 785	Voluntary contributions received: A\$21 915 from the USA and A\$18 325 from the UK.
Expenditure					-30 000				
Balance at 31 Dec	68 586	101 536	103 718	105 098	115 534	117 267	119 026	120 812	
Enforcement Fund									
Income	338	289	313	300					Approved expenditure to provide travel assistance to countries who require support to attend the INTERPOL Workshop in Namibia.
Expenditure						-14 882			
Balance at 31 Dec	14 280	14 569	14 882	15 182	14 882				
General Science Capacity Fund (GSCF)									
Income	5 439	4 263	112 123	75 298	34 500	202 245	2 579	1 418	A\$200 000 approved by SCAF to be transferred to the GSCF in 2020. Estimated expenditure in 2020 from the Fund for scholarships, conveners and workshops.
Expenditure	-10 724	-37 202	-50 000	-50 000	-137 354	-180 000	-80 000	-80 000	
Balance at 31 Dec	223 363	190 424	252 547	277 845	149 693	171 938	94 517	53 933	
CEMP Fund									
Income	24 662	14 853	15 567	10 529	10 529	10 606	10 316	10 470	Expenditure on approved CEMP projects.
Expenditure	-468 525	-42 209	-9 111	-180 000	-40 000	-30 000			
Balance at 31 Dec	757 468	730 112	736 568	567 097	707 097	717 703	698 019	704 489	

Members' Contributions 2019, 2020, 2021
 General Fund Contributions – Payable by 31 May
 (all amounts in Australian dollars)

Member	Contributions 2019	Balance Outstanding 25 October 2019	Draft Contributions 2020	Forecast Contributions 2021
Argentina	129 794		125 326	131 120
Australia	145 470		139 548	144 264
Belgium	129 794		125 326	131 120
Brazil	129 794	256 422	125 326	131 120
Chile	134 387	134 387	129 206	136 126
China	152 818		148 098	150 018
European Union	129 794		125 326	131 120
France	157 940		152 542	154 230
Germany	129 794		125 326	131 120
India	129 794		125 326	131 120
Italy	129 794		125 326	131 120
Japan	130 819		126 561	132 617
Korea, Republic of	148 734		143 967	151 700
Namibia	129 794	129 794	125 326	131 120
Netherlands	64 897		127 922	131 120
New Zealand	134 917		130 665	136 025
Norway	201 269		203 213	211 783
Poland	129 794		125 326	131 120
Russia	132 723		127 866	133 209
South Africa	131 283		126 922	132 919
Spain	131 415		127 057	132 709
Sweden	129 794	129 983	125 326	131 120
Ukraine	135 138		131 866	139 089
UK	137 673		132 447	137 840
USA	129 794		125 326	131 120
Uruguay	130 918	110 918	126 968	132 798
Netherlands – B/Fwd 2019	-		64 897	-
Total	3 498 135	761 504	3 518 331	3 598 765

**Using catch data in fishery monitoring and closure forecasting
in the Ross Sea toothfish fisheries**

Using catch data in fishery monitoring and closure forecasting in the Ross Sea toothfish fisheries

1. This two-stage procedure was developed specifically for application to the fishery in Subarea 88.1 and small-scale research units (SSRUs) 882A–B north of 70°S and was applied for the first time in the 2018/19 fishing season (SC-CAMLR-XXXVII, Annex 11).
2. Stage 2 has been applied previously to the closure of all exploratory toothfish fisheries that the Commission has required the Secretariat to issue closure notices for.
3. Stage 1 was developed, in 2018, to accommodate the very short season applicable to the fishing area outside the MPA north of 70°S, which is a result of the low catch limit and large number of notified fishing vessels. It takes into account the fact that in the initial phases of such a fishery, in-season information on catches and catch rates is not available, meaning that catch forecasts and closure decisions need to use historical data.

Stage 1: Pre-season and initial review using historical data

4. For the first three days of fishing operations in the Ross Sea region, which will open on 1 December, calculations will be made on historical catch data for the vessels that have notified their intent to fish. The historical catch rate (kg/day) for any vessel notified to fish in an area of Conservation Measure (CM) 41-09 (northern, southern) will be calculated as the sum of the catch taken in the relevant area over the last five years divided by the number of days fished, defined as a day on which hooks were set, in the relevant area over the last five years. The catch rate applicable to vessels which have not fished in the relevant area in any of the last five years will be the sum of the total catch by all vessels divided by the number of days fished by all vessels over the last five years.
5. The Secretariat will request that all vessels that are present send a message to the Secretariat by 0001 UTC on 30 November to indicate if they intend to fish in the area north of 70°S on 1–3 December; noting that a null response will be interpreted as intention to fish.
6. On 30 November the Secretariat will calculate a projected daily total catch for each vessel that is present in the relevant area and that has declared its intention to fish, using the historical daily catch calculation described in paragraph 4. Based on this projection, the Secretariat will apply the following procedure:
 - (i) if an area in a fishery is projected to exceed its catch limit after only one day of setting hooks, the Secretariat will advise Members accordingly and that area of the fishery will not be opened; or
 - (ii) if an area in a fishery is projected to exceed its catch limit after two days of setting hooks, a notification that that area of the fishery would close at 2359 on 2 December (i.e. with no gear set after 2359 on 1 December) will be made on 30 November; or

- (iii) if an area in a fishery is projected to exceed its catch limit after three days of setting hooks, the Secretariat will not indicate a closure for that area of the fishery until data from 1 December is available. The historical catch data for those vessels that are actively fishing will then be used in the projection, and for projections thereafter
- (iv) the Secretariat will, on day 4, transition to a projection based on catch and effort data from the current season (Stage 2).

7. The Secretariat will inform Members and vessels of the outcomes of this procedure on 30 November and as required thereafter.

Stage 2 – Forecast using daily catch and effort data

8. Each vessel in the fishery reports catch and effort data each day. This includes catch of the target and by-catch species as well as the number of hooks set, hooks retrieved and hooks lost.

9. Each day the catch of the target species for each vessel is used to update the mean daily catch for that vessel and this mean is projected forward in time. These individual vessel projections are summed for each day to produce a forecast cumulative catch in the fishery.

10. Each day the mean catch per hook for each vessel is estimated and this is multiplied by the number of hooks set by that vessel that are still in the water i.e. the hooks set – (hooks retrieved and hooks lost) to estimate the ‘catch’ that has yet to be landed.

11. This ‘unlanded catch’ is then added to the catch for that day and used to adjust the forecast cumulative catch to simulate the closure of the fishery and the retrieval of the remaining gear.

12. The forecast closure date is the first day on which the forecast cumulative catch (including the unlanded catch) is above the catch limit. This process accommodates the requirement for not setting gear within 24hrs of the closure.