

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

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1.1 The meeting of the Standing Committee on Observation and Inspection (SCOI) was held from 28 to 31 October 1997 under the chairmanship of Dr W. Figaj (Poland).

1.2 The Provisional Agenda of SCOI was distributed to Members as an attachment to the Provisional Agenda of the Commission (CCAMLR-XVI/1). The Provisional Agenda of SCOI took account of all subitems of Commission Agenda Item 8, 'Observation and Inspection'. The agenda was amended as follows:

- (i) a new item, 'Illegal, Unregulated and Unreported Fishing in the Convention Area' was added as Item 1;
- (ii) subitems 1(iv) 'Information provided by Members in accordance with Articles X and XXII of the Convention' and 1(v) 'Improvements to the System of Inspection' were included under the new Item 1 as (i) and (ii) respectively;
- (iii) a new item, 'Election of Vice-Chairman of SCOI' was added as Item 5; and
- (iv) as no other matters were referred to the Committee by the Commission, Item 4, 'Any Other Business Referred by the Commission,' was deleted.

With these amendments, the Agenda was adopted (Appendix I).

1.3 In addition to papers distributed to the Commission and the Scientific Committee on subjects related to its terms of reference, SCOI considered several other papers prepared by Members and the Secretariat. The list of papers considered by the Committee is given in Appendix II.

ILLEGAL, UNREGULATED AND UNREPORTED FISHING IN THE CONVENTION AREA

Information provided by Members in Accordance with Articles X and XXII of the Convention

1.4 At its 1996 meeting, the Commission recorded its concern at the evidence of illegal fishing activities in the Convention Area and stated that the extent of these illegal fishing activities posed a serious problem (CCAMLR-XV, paragraph 7.12).

1.5 During the 1996/97 season Australia, France and South Africa reported a large number of sightings of fishing vessels of CCAMLR States in the Convention Area. Sightings were reported from Subareas 58.6 and 58.7 (Prince Edward Islands and Crozet Islands) and Divisions 58.5.1 and 58.5.2 (Kerguelen Islands and McDonald and Heard Islands). Most sightings were reported from waters under the jurisdiction of Coastal States who are Members of CCAMLR. The majority of the vessels sighted were longliners, presumably conducting fishing for *Dissostichus eleginoides* in contravention of CCAMLR conservation measures (SCOI-97/4, (also CCAMLR-XVI/BG/19), SCOI-97/10, SCOI-97/12 (also Commission Circular 97/50) and SCOI-97/13).

1.6 A number of vessels were not identified and were reported as 'unknown'. A summary of sightings was given in SCOI-97/6.

1.7 Last year the Commission also expressed its deep concern over the increasing number of reports of fishing activities in the Convention Area by vessels of non-Contracting Parties. The Commission therefore directed the Chairman to write to the Governments of the Flag States of these vessels to convey a firm message that such activities undermined the effectiveness of the CCAMLR conservation approach (CCAMLR-XV, paragraph 7.17).

1.8 On receiving reports of sightings from Members, the Secretariat arranged for letters from the Chairman to be sent to the Governments of the following non-Contracting Parties: Panama, Portugal (with a copy of the letter to the European Community) and Vanuatu. During the intersessional period, Members were informed by the Secretariat of any replies received to the Chairman's letter.

1.9 With regard to the activities of the Portuguese vessel *Antartico*, the European Community advised that Portuguese authorities have confirmed that they had not issued a licence to this vessel to operate in the CCAMLR area. The Portuguese authorities have instructed the owner of the vessel to cease fishing activities in the Convention Area immediately. A copy of this correspondence from the European Community is given in SCOI-97/5.

1.10 On a bilateral basis, the UK contacted the Governments of Panama and Vanuatu, and Argentina contacted the Government of Panama. Both the UK and Argentina reiterated to the Governments concerned the position of CCAMLR with regard to fishing in the Convention Area by non-Members.

1.11 Following the bilateral initiative of the UK, Vanuatu has formally responded to CCAMLR, stating that 'it considers the violations of such treaties deserving of suspension or deletion from the registry, if it can be proven. Only one such violation has ever been proven: that vessel no longer flies the Vanuatu flag'. Vanuatu has also asked for information on how to become a signatory to the CCAMLR Convention.

1.12 Chile had submitted to the Secretariat its responses on sighting of its vessels in the Exclusive Economic Zone (EEZ) of France (Subarea 58.6 and Division 58.5.1) and South Africa (Subareas 58.6 and 58.7) (SCOI-97/14 and its Addendum).

1.13 In its response to France, the Chilean Government indicated that '...due to the fact that the System of Observation and Inspection is not currently applied in waters surrounding the Kerguelen and Crozet Islands, Contracting Parties lack the information which is required in order to monitor the activities of vessels flying their flag'.

1.14 France does not share the Chilean position referred to in point 5 of its response (SCOI-97/14 Addendum) in the sense that the system implemented by France on this occasion has the same objectives as those of CCAMLR. This is in full accordance with the 1980 Statement of the Chairman.

1.15 France also believes that Flag States should respect provisions of Coastal States in their EEZs. In this context, France relies on the cooperation of all Members of CCAMLR to act against any form of illegal fishing.

1.16 South Africa expressed understanding for the Chilean position that sightings reported by South Africa lack sufficient detail to allow Chile to take legal action based on the information provided. However, South Africa does not accept that there is no need to further address the situation in order to prevent recurrence in future.

1.17 Chile confirmed this understanding and, whilst it reiterated its position that the application of CCAMLR inspections was required to institute proceedings against the offenders, agreed that illegal fishing must be urgently addressed by all Commission Members through an integrated set of measures and is prepared to cooperate fully to that end. In conformity with the

prohibition which is being recommended by SCOI to the Commission, all Chilean flag vessels would be warned that their presence in areas and at times not contemplated in a CCAMLR conservation measure should be absolutely avoided.

1.18 The Committee took note of all sightings of vessels in the Convention Area of Members and non-Members (SCOI-97/4 (also CCAMLR-XVI/BG/19), SCOI-97/10, 12 and 13).

1.19 Based on this evidence, the Committee decided to proceed directly with finding solutions to deal with the problem of illegal, unregulated and unreported fishing.

1.20 The Committee's discussions fell into two areas:

- (i) possible measures to resolve the problem of unreported and unregulated fishing by non-Members; and
- (ii) possible measures to resolve the problem of illegal fishing by CCAMLR Members.

1.21 Following discussions, the Committee agreed to recommend to the Commission a scheme to promote compliance by non-Contracting Party vessels with the conservation and enforcement measures established by CCAMLR. The scheme is based on the NAFO scheme (CCAMLR-XVI/BG/33) and on proposals put forward by the European Community and by ASOC (CCAMLR-XVI/BG/38).

1.22 Accordingly, the Committee recommended that the Commission adopt the draft Conservation Measure A appended to this report as Appendix III.

Political Action/Bilateral Approach with regard to Non-Member States

1.23 The Committee discussed possibilities for diplomatic action by the Commission and individually by Members of the Commission to eliminate unregulated fishing such as fishing by vessels of non-Contracting Parties on the high seas within the Convention Area, which undermines the effectiveness of CCAMLR conservation measures. SCOI noted the obligations of Article X of the Convention and recommended that the existing procedures of transmitting the CCAMLR Commission's concerns to the attention of non-Contracting Parties, by means of a letter from the Chairman of the Commission, should continue.

1.24 SCOI also recommended to the Commission that a more selective, targeted approach should be made towards non-Contracting Parties whose vessels were fishing in an unregulated manner in CCAMLR waters, or towards States providing either port facilities or landing facilities for such vessels. The Committee recommended that the Commission consider inviting such States to CCAMLR-XVII as observers.

1.25 In such cases, individual Commission Members, supported by other Members, as appropriate, should, on behalf of the Commission, make representations to such non-Contracting Parties, with a view to eliminating activities by the nationals or vessels of such States which adversely affect the fulfilment of the objectives of the Convention.

1.26 The Committee then considered other relevant international instruments. These included the 1995 Straddling Stocks Agreement¹, the FAO Code of Conduct for Responsible Fisheries and the FAO Compliance Agreement².

¹ Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

² FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas

1.27 Australia believed it was worthwhile to consider specific aspects of these agreements which were relevant to the issues under consideration, and the Committee agreed to bring this matter forward for discussion at a later stage.

1.28 SCOI also saw merit in Members of the Commission drawing attention to the problems of illegal, unregulated and unreported fishing in the Southern Ocean in connection with ongoing efforts within United Nations' General Assembly and FAO to address these issues globally.

1.29 Poland highlighted possible action by Non-Governmental Organisations (NGOs) vis-a-vis non-Member States which are connected in one way or another to illegal fishing.

Port State Control

1.30 The Committee noted that the proposed measure concerning the denial of landings and transshipments by non-Contracting Party vessels which undermine the effectiveness of CCAMLR conservation measures (Appendix III) is based on Port State control.

1.31 The Committee decided to include, within the scope of political action with respect to non-Contracting Parties, not only those non-Member States whose vessels undermine the effectiveness of CCAMLR measures by fishing in the CCAMLR area without abiding by such measures, but also those States which provide port facilities to these vessels and thus enable them to continue their operations.

1.32 The Committee also saw merit in approaching other regional organisations (e.g. Southern African Development Community (SADC)) to inform them about the proposed conservation measure on denial of landings and transshipments and to ask for their cooperation.

1.33 The Committee also agreed that, in general, it is useful to have the opportunity to inspect vessels which enter ports of the Members of CCAMLR, to determine the origin of the catch and whether they have undermined CCAMLR conservation rules – and, in that case, to deny the landing of fish and fish products. Members should be encouraged to do so. However, it was suggested that in the case of non-Member States whose vessels repeatedly disregard CCAMLR measures, a more radical approach (namely, denial of access to ports) could be considered by the Commission.

1.34 The Members of the Committee noted that elucidation of all the legal issues related to the exercise of Port State jurisdiction, including issues relating to World Trade Organisation regulations, required more detailed consideration but that urgent practical actions were necessary, given the seriousness of the situation of unregulated non-Contracting Party fisheries.

Trade-related Measures

1.35 The Committee also discussed another possible means of action with regard to non-Members States, that was by trade-related measures.

1.36 The Committee agreed that the States in whose markets *D. eleginoides* is marketed should also contribute to the elimination of unregulated fishing by non-Members of CCAMLR.

1.37 The Committee noted that the International Commission for the Conservation of Atlantic Tunas (ICCAT) has dealt, in part, with the problem of fishing by non-Contracting Parties which undermine the effectiveness of the Convention by prohibiting imports into Member countries of Atlantic bluefin tuna from non-Member countries which consistently fail to comply with applicable conservation measures.

1.38 The Committee agreed to study the feasibility and usefulness of a CCAMLR system which would envisage, as a last resort, the possibility of the application of trade restrictive measures to non-Contracting Parties which have been identified by CCAMLR as undermining the effectiveness of CCAMLR measures through the activities of vessels flying their flag.

1.39 The Committee recommended to the Commission that it request Members to:

- (i) collect information related to trade of *Dissostichus* spp. in order to better understand the international flows (including where it is landed, transhipped or imported and under what product names it is being marketed); and
- (ii) provide that information for consideration at the next annual meeting of CCAMLR.

High Seas Licensing

1.40 The Committee discussed proposals from the US concerning the requirement for all vessels of Contracting Parties intending to fish in the Convention Area to be licensed by their respective Flag State, and that there be an explicit prohibition on fishing for *Dissostichus* spp. except when such fishing was regulated by a conservation measure.

1.41 There was unanimous support for these proposals and the Committee recommended that the Commission adopt the draft Conservation Measures B and C appended to this report as Appendix IV and V respectively.

1.42 Members made the following observations with regard to draft Conservation Measure B:

- (i) its provisions are consistent with electronic transmission of licences or permits to vessels away from home ports; and
- (ii) its provisions do not require a particular form of licence or permit to be issued by Flag States.

Flag State Responsibility: Flagging of Vessels under Flags of Convenience

1.43 With respect to control and monitoring of flagging into flags of convenience, the Committee agreed that this was an important issue but noted that it should be considered as complementary to other mechanisms of ensuring compliance with the CCAMLR management regime.

1.44 The Committee recognised the potential usefulness of the FAO Compliance Agreement, in particular in the following areas:

- (i) States must require an authorisation for any vessel entitled to fly its flag and intending to fish on the high seas. Such an authorisation must include all the conditions attached to the fishery in question, i.e the applicable conservation and management measures that vessels must respect;
- (ii) States must keep a registry of all the authorisations granted and communicate them to the relevant regional organisation;

- (iii) States should grant their flag only to those vessels over whose activities it can effectively exercise control. States should not authorise to fish on the high seas vessels which have not satisfied sanctions imposed on it by a previous Flag State;
- (iv) when a State is not bound by the measures adopted by an international fisheries organisation, it should nevertheless ensure that its vessels do not undermine the efficiency of internationally-agreed conservation and management measures; and
- (v) States should exchange information on changes of name or flag of vessels or any other relevant information to ensure that vessels do not reflag for the purpose of avoiding the application of internationally-agreed conservation and management measures.

1.45 The Committee, therefore, recommended to the Commission that its Members consider the acceptance of this agreement, noting that it would contribute to the elimination of unregulated fishing by non-Contracting Parties.

Coastal State Cooperation

1.46 A mechanism of dealing with vessels that appear to be without nationality (stateless) was discussed, using measures adopted by ICCAT regarding transshipment issues as a reference. In particular, the attention of the Committee was drawn to an ICCAT provision that, where there were reasonable grounds for suspecting that a fishing vessel targeting an ICCAT species on the high seas was stateless, a Contracting Party may board and inspect the vessel. The ICCAT measures also contain provision for information exchange between Contracting Parties and the ICCAT Secretariat regarding identification of those vessels.

1.47 Chile drew the attention of the Committee to Articles 19 and 20 of the 1995 Straddling Stocks Agreement which contain provision for cooperation between the Flag State and other States for enforcement on the high seas. Although CCAMLR contemplates only Flag State enforcement, there could be grounds for enhanced cooperation on inspections on the high seas, and exchange of information, including the provision of information by the Coastal States on non-Contracting Party vessels licensed to fish in their EEZs when such areas are close or adjacent to the CCAMLR Convention Area.

1.48 The Committee agreed that a similar information exchange should be established for CCAMLR, with regard, in particular, to information on all vessels known to have fished in contravention of CCAMLR conservation measures.

General

1.49 The Committee thanked the UK for its informal paper summarising possible measures to combat illegal, unregulated or unreported fishing. The Committee also noted that several Members had made information available on steps taken by other international organisations to deal with similar types of problems.

1.50 The Committee recommended to the Commission that the Secretariat be asked to research other measures to combat illegal, unregulated or unreported fishing; these would be considered at CCAMLR-XVII. The Committee also recommended that all Contracting Parties should be requested to submit to the Secretariat any suggestions or information they might have in this regard for inclusion in the Secretariat's report to CCAMLR-XVII.

Improvements to the System of Inspection

Amendments Proposed to the System of Inspection

1.51 The Delegation of Chile submitted two papers proposing amendments to the System of Inspection in the following areas: (i) deadlines for submitting reports of inspection (CCAMLR-XVI/15); and (ii) boarding and inspection procedures (CCAMLR-XVI/16).

1.52 The Committee considered Chile's amendments to the System of Inspection, noting that the basic principles of the System of Inspection require that Flag States be promptly notified of inspections undertaken in respect of their vessels. Delays in receiving copies of reports of inspection could seriously impede national authorities in their investigation of reported results of inspections.

1.53 After discussion, SCOI recommended that the Commission adopt the following changes to paragraph VIII(d) and (e) of the System of Inspection (new text is in bold type):

- VIII. (d) The Inspector shall provide a copy of the completed inspection form along with photographs and video footage to the designating Member **not later than 15 days of his/her arrival to port.**
- (e) The designating Member shall forward a copy of the inspection form **not later than 15 days from its reception** along with two copies of photographs and video footage to the CCAMLR Executive Secretary who shall forward one copy of this material to the Flag State of the inspected vessel **not later than seven days from receipt.**

1.54 During the 1996 meeting of SCOI, Chile pointed out the need to clarify the interpretation of paragraph III(b) of the System of Inspection in order to avoid the use of boarding and inspection rights for purposes other than those established in Article XXIV of the Convention. CCAMLR-XVI/16 presents analysis conducted by Chile of the relevant texts of the System of Inspection, the Convention and the 1980 Statement of the Chairman. Based on this analysis, Chile believed that the practice of conducting national and CCAMLR inspections simultaneously did not conform either to the spirit or the relevant rules of the Convention, and proposed amendments to paragraph III(b) of the System of Inspection in order to confirm first, the rights and competence of a CCAMLR inspector, and secondly, the procedures for boarding and inspections.

1.55 Australia and South Africa had concerns about the impracticability and cost of having two inspectors or two inspection vessels in cases where inspections were to be conducted both inside and outside their EEZs. The UK expressed disagreement with the reasoning in the Chilean paper with respect to the extent of the rights of Coastal States and their implications. Argentina, whilst supportive of the Chilean proposal on dual inspections, expressed its position on the interpretation and application of the 1980 Statement of the Chairman. France favoured the *status quo* in this situation, but reserved its legal position on the matter.

1.56 The Committee agreed that Members continue discussions intersessionally on a bilateral basis.

1.57 The Secretariat proposed two minor amendments to the System of Inspection (SCOI-97/8) on: (i) the standardisation of deadlines for submitting information on vessels intending to harvest and on inspectors designated by Members; and (ii) the necessity to obtain information on the 'port of registration' rather than 'home port' of each vessel.

1.58 Several Members noted that fisheries in the Convention Area did not have a uniform fishing season, that individual fisheries have different seasons, and that some fisheries operate

all-year-round. Under these circumstances, it would be difficult to comply with any strict deadlines. A proposal to establish a one-month deadline before opening a fishery received qualified support.

1.59 The Committee agreed with the proposal regarding ‘port of registration’ and accordingly recommended that the Commission amend paragraph IV of the System of Inspection **by changing the words ‘home port’ to ‘port of registration’.**

1.60 Chile introduced its paper, CCAMLR-XVI/18, which called for sanctions applied by Flag States in respect of infringements of CCAMLR provisions to be sufficiently severe as to ensure compliance with regulations, to discourage infringements and to remove from the offenders any economic benefit derived from their illegal activities.

1.61 Following discussion, the Committee recommended that the Commission amend the text of the System of Inspection **by deleting the last sentence of paragraph XI and inserting new paragraphs XII, XIII and XIV, as follows:**

XII. The Flag State shall at least once a year report to the Commission, in writing, about the results of such prosecutions and sanctions imposed. If a prosecution has not been completed, a progress report shall be made. When a prosecution has not been launched, or has been unsuccessful, the report shall contain an explanation.

XIII. Sanctions applied by Flag States in respect to infringements of CCAMLR provisions shall be sufficiently severe as to effectively ensure compliance with CCAMLR conservation measures and to discourage infringements and shall seek to deprive offenders of any economic benefit accruing from their illegal activities.

XIV. The Flag State shall ensure that any of its vessels which have been found to have contravened a CCAMLR conservation measure do not carry out fishing operations within the Convention Area until they have complied with the sanctions imposed.

1.62 Complementing the recommendation to the Commission regarding a conservation measure on the issue of licences or permits to vessels fishing in the Convention Area (paragraph 1.41), the Committee recommended that the Commission adopt the following new subparagraph to paragraph IV of the System of Inspection:

IV. (c) In addition each Contracting Party shall provide to the Commission the following information about licences or permits issued by its authorities to its flag vessels authorising them to fish in the Convention Area:

- **name of the vessel;**
- **time period(s) for fishing;**
- **area(s) of fishing;**
- **species targeted; and**
- **gear used.**

Such information shall be communicated to the Commission within seven days of the issue of each licence or permit and the Commission shall circulate the information to all Parties within seven days.

Automated Satellite-Linked Vessel Monitoring Systems (VMSs)

1.63 Australia, Chile, New Zealand and South Africa reported to the Committee on the implementation on a national level of Vessel Monitoring Systems (VMS) to monitor their vessels fishing in the Convention Area (CCAMLR-XVI/BG/7, CCAMLR-XVI/19, CCAMLR-XVI/BG/31 and CCAMLR-XVI/BG/18 respectively).

1.64 The Committee considered proposals from the European Community and from Chile that satellite tracking devices be installed on all vessels of CCAMLR Members which fish or plan to fish in the Convention Area from 1 January 1998.

1.65 The Committee noted the urgency of stopping the high level of illegal, unregulated, and unreported harvesting of *D. eleginoides* in the Convention Area which is undermining the effectiveness of the Convention.

1.66 The Committee recognised that mandatory use of automated VMSs will enable CCAMLR Members to ensure that their flag vessels fish in the Convention Area only in places and during time periods permitted by conservation measures adopted by the Commission.

1.67 It also recognised that mandatory use of VMSs by Members to monitor the locations of their flag vessels in the Convention Area will help to identify vessels fishing in the Convention Area not complying with conservation measures adopted by the Commission.

1.68 Taking into account the abovementioned reasons, the Committee recommended that the Commission adopt the draft Conservation Measure D appended to this report as Appendix VI.

1.69 Concerning the abovementioned conservation measure, Argentina stated that, whilst it is currently implementing a VMS, it reserved its position in relation to Subareas 48.3 and 48.4 pending a resolution of the existing controversy.

1.70 The Republic of Korea stated that, while recognising the usefulness of VMS and supporting its implementation, it needed some time to complete the necessary domestic arrangements including technological matters.

1.71 The Republic of Korea indicated that it believed it was premature to require automated monitoring of vessels engaged in the squid fishery in Subarea 48.3, given that the fishery is at the very early stage of its development and the commercial potential has not actually been demonstrated to attract illegal fishing activities and, in practice, it is impossible to catch other species with the current fishing method.

1.72 The Republic of Korea also finds some interpretational difficulties with paragraph 1 as the catch limit for *Martialiahyadesi*, in particular, was set in precautionary perspective, not based on the result of a stock assessment and hence may not constitute a TAC and the fishing season is year round.

1.73 Uruguay indicated that, while supporting the aims of VMS enforcement, it will not be in a position to implement it in the short time scheduled, due to national constraints.

OPERATION OF THE SYSTEM OF INSPECTION AND COMPLIANCE WITH CONSERVATION MEASURES

Implementation of Conservation Measures in the 1996/97 Season

2.1 All Conservation Measures adopted at CCAMLR-XV were notified to Members on 5 November 1996. There were no objections to any Measures and, in accordance with

Article IX.6(b) of the Convention, they became binding on all Members on 4 May 1997. A paper on the implementation of Conservation Measures in 1996/97 was prepared by the Secretariat (CCAMLR-XVI/BG/17).

2.2 In the 1996/97 season, Australia, Chile (CCAMLR-XVI/BG/12), European Community, South Africa (CCAMLR-XVI/MA/1) and Uruguay (SCOI-97/15) informed CCAMLR of steps taken to implement current conservation measures. Russia, South Africa and the USA had previously informed SCOI that they had in place the legislative and administrative procedures required to give effect annually to conservation measures. Poland advised the Committee that it, too, has legislation in place enabling the adoption of annual regulations giving effect to conservation measures.

2.3 South Africa drew the Committee's attention to its Report of Member's Activities (CCAMLR-XVI/MA/1) which advised that, in addition to domestic legislation to enforce the conservation measures adopted at the 1996 meeting, a variety of domestic regulations had been promulgated to exert Port State control on vessels entering South African waters with toothfish aboard or carrying toothfish longlines.

2.4 Chile's paper, CCAMLR-XVI/BG/12, advised that the Government of Chile is currently in the process of finalising two bills aimed at strengthening the powers of the courts vis-a-vis compliance with the provisions of the Convention and adopted conservation measures, including the imposition of sanctions.

2.5 In Japan, each vessel flying the Japanese flag and intending to fish in the Convention Area is subject to licensing administered by the Ministry of Agriculture, Forestry and Fisheries requiring compliance with CCAMLR conservation measures.

2.6 Ukraine advised that, in addition to domestic regulations, a decree is issued annually by the State Committee on Fisheries which requires all fishing companies to comply in full with CCAMLR Conservation measures.

2.7 The Republic of Korea advised that every Korean fishing vessel intending to fish in CCAMLR waters is required to receive a permit issued by the Ministry of Maritime Affairs and Fisheries, and the fishing operators are informed of the conservation measures in force. In case of infringements, the operators concerned are to be sanctioned according to the provisions of its Fishery Act.

2.8 The UK, on behalf of the presidency of the Council of the European Union, informed the Committee that the Council of Ministers of the European Union was expected to adopt shortly a regulation which would give effect to the conservation measures adopted at the 1996 meeting. Such a regulation would be binding on all Member States of the European Community which included 11 Parties of CCAMLR, eight of which were Commission Members.

Responsibility for Catch Reporting and Assigning of Catches

2.9 The Committee considered the issue of which Commission Member is obligated to report catches when vessels are flagged to one Member nation and under charter to another. The Secretariat's paper SCOI-97/11 provided background information on this matter, including excerpts from FAO documents and relevant international conventions. It also included a table which illustrated all possible reporting and catch assignment options.

2.10 The Committee endorsed the general principle that Flag State Members are responsible for the reporting of, and will have assigned to them for the purposes of Article XIX.3 of the Convention, catch taken by their vessels on the high seas. However, in cases of vessel charter

between Members of the Commission, the Flag State and the State whose nationals control the vessel's operations may agree otherwise in respect of the responsibility for catch reporting and the attribution of the catch for the purposes of Article XIX.3 of the Convention.

2.11 The Secretariat will be duly informed of such agreements.

2.12 In the case of a vessel fishing within the EEZ or maritime zone of another Member State, some Members expressed the view that the Coastal State Member which authorised that vessel to fish in its EEZ or maritime zone should be responsible for reporting the vessel's catch to the CCAMLR Secretariat and will have that catch assigned to it for the purposes of Article XIX.3 of the Convention. Other Members were of the view that the responsibility for reporting the vessel's catch should lie with the Flag State and that the catch should also be assigned to the Flag State in such cases.

2.13 Argentina reserved its position in relation to Subareas 48.3 and 48.4 pending a resolution of the existing controversy.

2.14 The Committee reiterated the 1993 agreement of the Commission that, in the case of joint ventures where one party is not a Member of CCAMLR, the party which is a Member of CCAMLR would be expected to assume responsibility for reporting data and ensuring compliance with Conservation Measures (CCAMLR-XII, paragraph 4.15).

Inspections Undertaken in the 1996/97 Season and Actions of Flag States in Respect of Inspections Undertaken

2.15 In the 1996/97 season, four inspections were carried out in Subarea 48.3. Three inspections were conducted by a CCAMLR inspector designated by Argentina and one by a UK-designated inspector. The three vessels inspected by the Argentinian inspector were *Isla Isabel* and *Isla Camila* (Chile) and *Argos Helena* (UK). The inspection carried out on the *In Sung 66* (Republic of Korea) was by the UK-designated inspector.

2.16 The reports of inspection are given in SCOI-97/3; a summary is given in CCAMLR-XVI/BG/20.

2.17 In general, the inspected vessels were found to be complying with most conservation measures. However, there were instances of non-compliance with Conservation Measure 63/XV 'Regulation of the Use and Disposal of Plastic Packaging Bands on Fishing Vessels' (*Isla Isabel*, *Isla Camila* and *Argos Helena*) and with Conservation Measure 29/XV 'Minimisation of the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research in the Convention Area' (*Isla Isabel*, *Isla Camila* and *In Sung 66*).

2.18 Responses from Chile and the UK received intersessionally are given in SCOI-97/3.

2.19 Argentina briefly reported on the abovementioned inspections carried out in March 1997 by an Argentinian-designated inspector in accordance with CCAMLR provisions. All inspections were carried out on the same day on account of favourable weather and without inconveniences due to collaboration of captains and crew members.

2.20 In response to the inspection report presented by Argentina, the UK recalled that the status of the inspections undertaken by Argentina had been the subject of the UK's letter of 24 September circulated as COMM CIRC 97/70. Nothing in Argentina's response (CCAMLR-XVI/23) altered the UK's view as stated in that letter.

2.21 In view of the decision of the Commission at its meeting last year (CCAMLR-XV, paragraph 13.41) that CCAMLR was not an appropriate forum in which to resolve the bilateral dispute, the UK indicated that further discussion in SCOI was inappropriate.

2.22 On the detail of the inspection report related to the UK-flagged vessel *Argos Helena*, the UK indicated that the infringements identified had been rectified immediately on receipt of the report.

2.23 Argentina referred to the document CCAMLR-XVI/23 which contains the Argentinian reply to the UK's notes of 4 July and 24 September 1997. The referred document stated Argentina's position as to the legitimacy and convenience of such inspections. Furthermore Argentina reiterated the need for a thorough use of the CCAMLR System of Inspection so as to ensure the objectives of the Convention.

2.24 Argentina also pointed out that the issue of the referred to inspections has its own entity and implies important practical consequences which cannot escape the attention of all Members of the Commission.

2.25 Finally, Argentina pointed out that, due to its complexity and importance, it was necessary to keep the matter under thorough analysis, and Commission Members were invited to draw, in due time, their own conclusions from the text of the reply note distributed as CCAMLR-XVI/23.

2.26 The Republic of Korea said the report was examined by the relevant authority and a warning given to the vessel owners that all elements of CCAMLR conservation measures must be observed. The problem of the plastic packaging bands has been rectified temporarily and an instruction given to use a more appropriate system from next season. It was noted from both the inspection report and the operator's report that the vessel was attempting to reduce seabird by-catch by deploying two streamer lines, resulting in a very low level of incidental mortality. The Korean Government will, however, continue to endeavour to ensure that its vessels fully comply with CCAMLR conservation measures.

2.27 Chile's paper, CCAMLR-XVI/BG/12, listed the judicial proceedings initiated in Chile for infringements of CCAMLR regulations. Ten proceedings covering eight vessels, two of them reported by CCAMLR inspectors and eight cases arising from inspections in Chilean ports, have been instituted. The vessels concerned are: *Antonio Lorenzo*, *María Tamara*, *Chaval*, *Mar del Sur I*, *Marazul XIV*, *Isla Sofía*, *Ercilla* and *Puerto Ballena*.

2.28 The Committee expressed concern at the continuing contravention of Conservation Measures 29/XV and 63/XV contained in the reports of inspection.

2.29 The Chairman of the Scientific Committee advised that scientific observers had reported the same contraventions on a number of vessels. The Scientific Committee had paid particular attention to this and believed that the regulatory bodies of Member States should make regular inspections of their own vessels which are licensed to fish in the Convention Area to ensure that the vessels do not have plastic packaging bands on board and that they have on board properly constructed streamer lines or all necessary materials to construct them.

2.30 The Committee recommended that the Commission take a strong stand on the matter of non-compliance with the provisions of Conservation Measures 29/XV and 63/XV.

OPERATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

Observations Undertaken in 1996/97 Season

3.1 The Committee considered the advice of the Scientific Committee on matters which were relevant to the Scheme of International Scientific Observation.

3.2 The 1996 meeting of the Commission agreed that future decisions on the application of the Scheme of International Scientific Observation should be based on: (i) the relative need for information for conservation purposes, and (ii) the financial implications arising from the management of these fisheries and from the volume of data to be processed by the Secretariat (CCAMLR-XV, paragraph 7.43).

3.3 The Chairman of the Scientific Committee advised that the quantity and quality of scientific data collected by observers in the 1996/97 season had significantly improved. The Scientific Committee recommends that the practice of 100% coverage by observers on all vessels engaged in finfish fisheries be continued. It also recommends that all new and exploratory fisheries should have 100% observer coverage.

3.4 The financial implications of this observer coverage, however, needed to be taken into account in consideration of the data management requirements of the Secretariat.

3.5 Scientific observers have been especially effective in collecting data on incidental mortality of seabirds in longline fisheries and have raised fishermen's awareness of the CCAMLR conservation regime and its implementation. In many cases, observers helped crews to understand the requirements of CCAMLR conservation measures.

3.6 Several problems were found in the implementation of the scheme. Not all observers received adequate training to ensure that the required information is collated and reported at a standard and uniform level. Some problems remain in the submission to the Secretariat of details of observation programs and in timely submission of observers reports, though most of these problems have been substantially eliminated with the establishment of national technical coordinators for the observer program.

3.7 The Chairman of the Scientific Committee also noted that scientific observers on board fishing vessels often observe and report activities which relate to matters of compliance with CCAMLR conservation measures. At SCOI's request he gave examples of reported non-compliance of a number of vessels with regard to the provisions of Conservation Measures 29/XV and 63/XV. Observers have also been able to assist by reporting the activities of vessels incidentally encountered undertaking illegal and unregulated fishing.

3.8 Considering the significant roles and contributions of the CCAMLR scientific observers, SCOI recommended that 100% observer coverage be continued for finfish and new and exploratory fisheries.

Improvements to the Scheme

3.9 The Secretariat introduced its paper, SCOI-97/7, which proposed changes to the text of the Scheme of International Scientific Observation. The changes were sought in order to formalise and standardise the submission of information on observer programs for effective implementation of the Scheme of International Scientific Observation.

3.10 SCOI agreed with the proposals and recommended that the Commission adopt the following changes to the Scheme of International Scientific Observation (new text is in bold type):

Paragraph A(f)

- A. (f) Scientific Observers shall submit to the Commission through the designating Member, **not later than one month after the completion of the observer cruise or after the return of the observer to his/her**

home country, a report of each observation assignment undertaken, using the observation formats approved by the Scientific Committee. A copy shall be sent to the Member whose vessel was involved.

Paragraph C

C. The Designating Members shall provide details of observation programs to the Commission at the earliest possible opportunity and no later than upon the conclusion of each bilateral arrangement. For each observer deployed, the following details shall be supplied:

- (i) date of signing the arrangement;**
- (ii) name and flag of the vessel receiving the observer;**
- (iii) Member designating the observer;**
- (iv) area of fishing (CCAMLR statistical area, subarea, division);**
- (v) type of data to be collected by the observer and submitted to the Secretariat (e.g. by-catch, target species, biological data);**
- (vi) expected dates of the start and end of the observation program; and**
- (vii) expected date of returning the observer to his/her home country.**

3.11 Chile introduced its paper, CCAMLR-XVI/14, which proposed changes to the Scheme of International Scientific Observation. Chile had identified a need to introduce these amendments regarding costs incurred by the designating Member when placing scientific observers on vessels which belong to a receiving Member.

3.12 While sympathetic to the changes sought, the Committee agreed that Members should be encouraged to take note of the concerns of Chile regarding insurance and travel costs of scientific observers and to incorporate mutually-agreed arrangements into their bilateral agreement. The Committee agreed to raise this issue again next year.

ADVICE TO SCAF

4.1 The Committee drew the attention of SCAF to the financial implications of its recommendation that 100% scientific observer coverage for finfish and new and exploratory fisheries be continued in the 1997/98 season.

4.2 The Executive Secretary drew the Committee's attention to the need for a new edition of the *Basic Documents* to be published in 1997/98. The current version includes in it the text of the System of Inspection which, as it was published in 1995, is now out of date. It is therefore proposed that the texts of the System of Inspection and the Scheme of International Scientific Observation be deleted from the next and subsequent editions of the *Basic Documents*. Up-to-date texts of the System of Inspection and the Scheme of International Scientific Observation shall be published each year in the *Schedule of Conservation Measures in Force* publication. The financial implications of this would need to be drawn to the attention of SCAF.

4.3 The Committee agreed with the above proposals.

ELECTION OF VICE-CHAIRMAN OF SCOI

5.1 Spain proposed Mr G. Bryden (New Zealand) as Vice-Chairman. This proposal was seconded by the UK. Mr Bryden was unanimously elected as Vice-Chairman of the Committee from the end of this meeting to the end of the Committee meeting in 1999.

ADOPTION OF THE REPORT

6.1 The Committee noted that a number of recommendations to the Commission, if adopted, would imply changes to various deadlines for the submission of information by Members in accordance with the System of Inspection and the Scheme of International Scientific Observation. The Secretariat, therefore, was asked to compile a schedule of all information to be provided by Members and deadlines for submission. This schedule should be circulated to Members after the conclusion of CCAMLR-XVI.

6.2 The Committee also requested that the Executive Secretary write, at the conclusion of CCAMLR-XVI, a letter to all regional fisheries organisations with which CCAMLR cooperates, and inform them of all CCAMLR initiatives with respect to illegal, unreported and unregulated fishing in the CCAMLR Convention Area.

6.3 SCOI noted the importance of all Members being able to readily access the vessel notification information provided to the Secretariat in accordance with paragraph IV of the System of Inspection. In this regard, SCOI recommended to the Commission that the Secretariat be asked to examine the feasibility of making the vessel notification information available on the proposed World Wide Web site, in addition to the present means of distribution by Commission Circular. If such a proposal proves feasible, the Secretariat would, following consultation with Members, implement this approach.

6.4 The report of the meeting was adopted. The Delegation of Chile, on behalf of the Committee, thanked the Chairman for his patience and skilful guidance throughout the Committee's deliberations. The Chairman, in turn, thanked delegates for their cooperation and support during the meeting.

AGENDA

**Standing Committee on Observation and Inspection (SCOI)
(Hobart, Australia, 28 to 31 October 1997)**

1. **Illegal, Unregulated and Unreported Fishing in the Convention Area**
 - (i) Information provided by Members in Accordance with Articles X and XXII of the Convention
 - (ii) Improvements to the System of Inspection

2. **Operation of the System of Inspection and Compliance with Conservation Measures**
 - (i) Implementation of Conservation Measures in the 1996/97 Season
 - (ii) Inspections Undertaken in the 1996/97 Season
 - (iii) Actions of Flag States in Respect of Inspections Undertaken

3. **Operation of the Scheme of International Scientific Observation**
 - (i) Observations Undertaken in 1996/97 Season
 - (ii) Improvements to the Scheme

4. **Advice to SCAF**

5. **Election of Vice-Chairman of SCOI**

6. **Adoption of the Report.**

LIST OF DOCUMENTS

Standing Committee on Observation and Inspection (SCOI)
(Hobart, Australia, 28 to 31 October 1997)

SCOI-97/1	PROVISIONAL AGENDA
SCOI-97/2	LIST OF DOCUMENTS
SCOI-97/3	REPORTS OF INSPECTION Secretariat
SCOI-97/4	ILLEGAL FISHING FOR TOOTHFISH (<i>DISSOSTICHUS ELEGINOIDES</i>) IN FRENCH WATERS ADJACENT TO THE KERGUELEN AND CROZET ISLANDS (DIVISION 58.5.1 AND SUBAREA 58.6 RESPECTIVELY) Delegation of France
SCOI-97/5	ON SIGHTINGS OF FISHING VESSELS OF NON-MEMBERS (copies of correspondence)
SCOI-97/6	SUMMARY OF SIGHTINGS OF FISHING VESSELS IN THE CONVENTION AREA IN THE 1996/97 SEASON Secretariat
SCOI-97/7	THE PROVISION OF INFORMATION ON THE IMPLEMENTATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION Secretariat
SCOI-97/8	AMENDMENTS PROPOSED TO THE TEXT OF THE SYSTEM OF INSPECTION Secretariat
SCOI-97/9	INFORMATION ON REFLAGGING OF VESSELS Delegation of Uruguay
SCOI-97/10	ADDITIONAL INFORMATION ON SIGHTINGS OF VESSELS OF CCAMLR MEMBERS Delegation of France
SCOI-97/11	BACKGROUND INFORMATION ON THE NATIONALITY OF CATCHES BEING REPORTED TO CCAMLR Prepared by the Secretariat
SCOI-97/12	ILLEGAL FISHING WITHIN AUSTRALIA'S EEZ AROUND HEARD ISLAND INCLUDING FISHING IN BREACH OF CCAMLR CONSERVATION MEASURES Delegation of Australia
SCOI-97/13	LIST OF VESSELS INVOLVED IN THE FISHERY IN THE SOUTH INDIAN OCEAN AND THE INDIAN OCEAN SECTOR OF THE SOUTHERN OCEAN Delegation of South Africa

- SCOI-97/14 RESPONSE OF THE FLAG STATE ON SIGHTINGS OF ITS VESSELS IN THE CONVENTION AREA
Delegation of Chile
- SCOI-97/14 Addendum RESPONSE OF THE FLAG STATE ON SIGHTINGS OF ITS VESSELS IN THE CONVENTION AREA
Delegation of Chile
- SCOI-97/15 Rev. 1 REPORT ON THE IMPLEMENTATION OF CCAMLR CONSERVATION MEASURES IN THE 1996/97 SEASON
Delegation of Uruguay

OTHER DOCUMENTS

- CCAMLR-XVI/13 CONSIDERATION OF THE IMPLEMENTATION OF THE OBJECTIVE OF THE CONVENTION (SUMMARY)
Delegation of Chile
- CCAMLR-XVI/14 RESPONSIBILITY FOR THE COSTS OF CCAMLR SCIENTIFIC OBSERVERS
Delegation of Chile
- CCAMLR-XVI/15 DEADLINES FOR SUBMITTING REPORTS OF INSPECTION TO CCAMLR
Delegation of Chile
- CCAMLR-XVI/16 BOARDING AND INSPECTION PROCEDURES WITHIN THE CCAMLR SYSTEM OF INSPECTION
Delegation of Chile
- CCAMLR-XVI/18 GUIDELINES FOR THE IMPOSITION OF SANCTIONS BY FLAG STATES
Delegation of Chile
- CCAMLR-XVI/19 IMPLEMENTATION OF AUTOMATED POSITIONING SYSTEMS FOR VESSELS AUTHORISED TO OPERATE WITHIN THE CONVENTION AREA
Delegation of Chile
- CCAMLR-XVI/23 REPLY TO BRITISH NOTE ON INSPECTIONS CARRIED OUT ACCORDING TO CCAMLR DURING THE 1996/97 SEASON
Delegation of Argentina
- CCAMLR-XVI/BG/7 REPORT ON AUSTRALIAN VMS TRIAL IN THE CCAMLR AREA
Delegation of Australia
- CCAMLR-XVI/BG/12 INFORME DE LAS MEDIDAS ADOPTADAS POR LA REPUBLICA DE CHILE PARA EL CUMPLIMIENTO DE LAS MEDIDAS DE CONSERVACION DE LA CCRVMA
Delegación de Chile
- CCAMLR-XVI/BG/16 SUMMARY OF CONSERVATION MEASURES REGULATING FISHERIES AND DATA REPORTING DURING 1996/97
Secretariat
- CCAMLR-XVI/BG/17 IMPLEMENTATION OF CONSERVATION MEASURES IN 1996/97
Secretariat

CCAMLR-XVI/BG/18	REPORT ON THE INTRODUCTION OF VESSEL MONITORING SYSTEMS (VMS) IN SOUTH AFRICA WITH SPECIFIC APPLICATION TO THE DEPLOYMENT OF SATELLITE TRACKING UNITS ON TOOTHFISH-DIRECTED VESSELS OPERATING FROM SOUTH AFRICA Delegation of South Africa
CCAMLR-XVI/BG/19	PÊCHE ILLICITE À LA LÉGINE (<i>DISSOSTICHUS ELEGINOIDES</i>) DANS LES EAUX FRANÇAISES ADJACENTES AUX ÎLES KERGUELEN (58.5.1) ET CROZET (58.6) Délégation de la France
CCAMLR-XVI/BG/20	SUMMARY OF INSPECTIONS Secretariat
CCAMLR-XVI/BG/21	SUMMARY OF OBSERVATION PROGRAMS CONDUCTED IN THE 1996/97 SEASON IN ACCORDANCE WITH THE CCAMLR SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION Secretariat
CCAMLR-XVI/BG/28	SUMMARY OF SCIENTIFIC OBSERVATIONS CONDUCTED IN THE CONVENTION AREA IN 1996/97 Secretariat
CCAMLR-XVI/BG/31	SATELLITE VESSEL MONITORING SYSTEMS: NEW ZEALAND'S EXPERIENCE Delegation of New Zealand
CCAMLR-XVI/BG/33	SCHEME TO PROMOTE COMPLIANCE BY NON-CONTRACTING PARTY VESSELS WITH THE CONSERVATION AND ENFORCEMENT MEASURES ESTABLISHED BY NAFO Delegation of USA
CCAMLR-XVI/BG/38	ANTARCTIC AND SOUTHERN OCEAN COALITION PAPER ON THE CREATION OF A CCAMLR ENFORCEMENT REGIME Submitted by ASOC
SC-CAMLR-XVI/BG/21 Rev. 1	DATA MANAGEMENT BY THE SECRETARIAT: TASKS, PROBLEMS AND ACTIONS DURING 1997 Secretariat

DRAFT CONSERVATION MEASURE A
Scheme to Promote Compliance by Non-Contracting Party
Vessels with the Conservation and Enforcement Measures
Established by CCAMLR

The Commission hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

1. A non-Contracting Party vessel which has been sighted engaging in fishing activities in the Convention Area is presumed to be undermining the effectiveness of CCAMLR Conservation Measures. In the case of any transshipment activities involving a sighted non-Contracting Party vessel inside or outside the Convention Area, the presumption of undermining the effectiveness of CCAMLR Conservation Measures applies to any other non-Contracting Party Vessel which has engaged in such activities with that vessel.
2. Information regarding such sightings shall be transmitted immediately to the Commission in accordance with Article XXII of this Convention. The Secretariat shall transmit this information to all Contracting Parties within one business day of receiving this information, and to the Flag State of the sighted vessel as soon as possible.
3. The Contracting Party which sights the non-Contracting Party vessel shall attempt to inform the vessel that it has been sighted engaging in fishing activities in the Convention Area and is accordingly presumed to be undermining the objective of the Convention and that this information will be distributed to all Contracting Parties to the Convention and to the Flag State of the vessel.
4. When a non-Contracting Party vessel referred to in paragraph 1 enters a port of any Contracting Party, it shall be inspected by authorised Contracting Party officials knowledgeable of CCAMLR Conservation Measures and shall not be allowed to land or tranship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, log books, fishing gear, catch on board and any other matter relating to the vessel's activities in the Convention Area.
5. Landings and transshipments of all fish from a non-Contracting Party vessel which has been inspected pursuant to paragraph 4, shall be prohibited in all Contracting Party ports if such inspection reveals that the vessel has onboard species subject to CCAMLR Conservation Measures, unless the vessel establishes that the fish were caught outside the Convention Area or in compliance with all relevant CCAMLR Conservation Measures and requirements under the Convention.
6. Contracting Parties shall ensure that their vessels do not receive transshipments of fish from a non-Contracting Party vessel which has been sighted and reported as having engaged in fishing activities in the Convention Area and therefore presumed as having undermined the effectiveness of CCAMLR Conservation Measures.
7. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and on any subsequent action, shall be transmitted immediately to the Commission. The Secretariat shall transmit this information immediately to all Contracting Parties and to the relevant Flag State(s).

DRAFT CONSERVATION MEASURE B
Requirement for Contracting Parties to Licence
their Flag Vessels in the Convention Area

The Commission hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

Each Contracting Party shall prohibit fishing by its flag vessels in the Convention Area except pursuant to a licence or permit that the Contracting Party has issued setting forth the specific areas and time periods during which such fishing is authorised and all other specific conditions to which the fishing is subject to give effect to CCAMLR Conservation Measures and requirements under the Convention.

DRAFT CONSERVATION MEASURE C
Prohibition of Directed Fishing for *Dissostichus* spp.
except in Accordance with Specific Conservation Measures

The Commission hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

Directed fishing for *Dissostichus* spp. in all statistical areas and statistical subareas in the Convention Area is prohibited except as allowed by a CCAMLR Conservation Measure in force for particular statistical areas or subareas.

DRAFT CONSERVATION MEASURE D
Automated Satellite-Linked Vessel Monitoring Systems (VMSs)

1. Each Member shall establish, as soon as possible, an automated VMS¹ to monitor the position of its flag vessels licensed or permitted in accordance with Conservation Measure ___/XVI to harvest marine living resources in the Convention Area for which TACs, fishing seasons, or area restrictions have been set by conservation measures adopted by the Commission².
2. Members are also strongly encouraged to require automated position monitoring of their flag vessels fishing in areas adjacent to the Convention Area for species that also occur in the Convention Area.
3. Members shall report in writing to CCAMLR-XVII the steps they have taken to establish an automated VMS in accordance with paragraph 1.
4. Members shall report annually to the Commission, in accordance with paragraph XI of the System of Inspection, all cases where they have determined with assistance of VMS that vessels of their flag had fished in the Convention Area in possible contravention of CCAMLR Conservation Measures.

¹ For the purpose of this Conservation Measure, the term ‘vessel monitoring system’ (VMS), is defined as referring to a system where:

- (i) information collected shall include the vessel identifier, location, date and time, which shall be collected with a required frequency to ensure that the Contracting Party can effectively monitor the vessel; and
- (ii) performance standards shall at a minimum include a system that:
 - is tamper proof;
 - is fully automatic and operational at all times regardless of environmental conditions;
 - provides real time data; and
 - provides latitude and longitude, with a position accuracy of 500 m or better, with the format to be determined by the Flag State.

² This measure does not apply to krill fishing for which no TACs, fishing seasons or area restrictions have been applied.