

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

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

### OPENING OF THE MEETING

1.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was held in Hobart, Australia, from 25 to 29 October 2010.

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

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

### REVIEW OF COMPLIANCE-RELATED MEASURES AND POLICIES

#### Compliance with conservation measures in force

##### System of Inspection

2.1 The Committee reviewed the implementation of the System of Inspection during the 2009/10 intersessional period. SCIC noted that no infractions had been reported as a result of any at-sea inspections.

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

##### Exploratory and krill notifications and preliminary assessments of bottom fishing

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

2.4 SCIC noted the Scientific Committee's advice that preliminary assessments of the impacts of bottom fishing submitted in accordance with CM 22-06 were more detailed and comprehensive than those submitted in 2009.

2.5 SCIC also noted the Scientific Committee's advice that WG-EMM had reviewed krill notifications submitted for 2010/11 and had advised the Scientific Committee that sufficient information had been provided by Members and that the notifications met the requirements of CM 21-03.

## Tagging program

2.6 SCIC considered reports of tagging rates during 2009/10 (SC-CAMLR-XXIX, Annex 8, Table 12). Whilst all vessels were reported to have achieved the required tagging rates, a number of vessels had not tagged *Dissostichus* spp. in proportion to the size distribution of the catch in accordance with CM 41-01, Annex C, paragraph 2(ii).

2.7 Several Members expressed their strong concern at this outcome. These Members believed that the vessels concerned had displayed a very low level of commitment to the tagging program by tagging smaller toothfish but retaining larger toothfish for commercial purposes. These Members also noted that some of the vessels concerned were reported to have demonstrated repeated non-compliance, including a persistently low tagging overlap rate in previous years. In addition, New Zealand noted that the *Insung No. 1* in Subarea 48.6 had caught 2 404 *D. mawsoni* of which it had tagged and released none (SC-CAMLR-XXIX, Annex 8, Table 11). These Members expressed the view that failure with the tagging program was a particularly serious issue which undermined CCAMLR's ability to manage exploratory fisheries.

2.8 SCIC noted advice from the Chair of the Scientific Committee, Dr D. Agnew (UK), that it should be feasible for all vessels to score at a high level of tagging overlap in these fisheries and reminded all Members that they should be aware that there is a requirement to tag toothfish of sizes which reflected the overall catch-weighted length-frequency distribution of the catch. SCIC noted further that the Scientific Committee had developed a table to provide guidance in complying with the tagging requirement.

2.9 Two vessels which were reported to have an especially low tagging overlap were the *Insung No. 1* and *Jung Woo No. 2* (Republic of Korea). New Zealand stated that it would be inappropriate for these vessels to participate in CCAMLR exploratory fisheries.

2.10 The Republic of Korea assured Members that it fully recognised the importance of the tagging program. The Republic of Korea noted that it had achieved considerable progress in the tagging program in 2009/10. It advised that it had examined the reports in respect of the *Insung No. 1* and *Jung Woo No. 2* and found that language barriers between the fishing master, the observer and the crew had resulted in a communication breakdown which had been compounded by a vessel calling at a foreign port far from Korea. Whilst the vessel had successfully achieved the overall tagging rate requirement, which was an improvement from last year, tagging errors had occurred because the fishing masters were unaware of the correct method of tagging. The Republic of Korea clarified its understanding that tagging was the responsibility of the vessel and affirmed that it was committed to continue to educate fishing masters on board its flag vessels and that the tagging overlap would improve in future.

2.11 Some Members noted that tagging was the responsibility of the vessels and the Flag State, and not the observer, in accordance with CM 41-01, Annex C. The Republic of Korea noted that the fishing vessel shall cooperate with the CCAMLR scientific observer in undertaking the tagging program.

2.12 The Republic of Korea advised SCIC of an internal proposal to improve the education of masters and crew on correct tagging procedures. The Republic of Korea advised that it would take the following actions:

- (i) a government or company representative will be sent to a relevant working group meeting to obtain full information on the requirements of the tagging program and other measures;
- (ii) an easily understandable manual for crew training purposes will be developed;
- (iii) vessels which participate in CCAMLR exploratory fisheries will be required to enter designated ports prior to fishing in order for the crew to be trained in port prior to fishing;
- (iv) the fishing company will maintain contact with the master throughout the fishing season to remind him of the requirements of CM 41-01;
- (v) fishing masters will be encouraged to focus on collecting scientific data and the company will try to provide incentives for masters which achieve full compliance with CM 41-01.

2.13 The Republic of Korea advised that the company owners were the same as those of the vessels mentioned in the CCAMLR-XXVIII report. It also advised that the training program could be implemented in time for the opening of the 2010/11 fishing season.

#### Closure of fisheries

2.14 SCIC noted that on 10 January 2010, SSRU 5841G was closed and the Republic of Korea flagged *Insung No. 2* was present in the area at the time of closure. The *Insung No. 2* advised that, due to bad weather and ice, it had been unable to depart the area until GMT 1800 on 11 January 2010.

2.15 The Republic of Korea advised that it had investigated the incident and had found that, when the weather improved on 11 January 2010, the *Insung No. 2* departed the area and proceeded to Montevideo, Uruguay. In Montevideo, a fire had occurred on board the vessel and all records were lost.

2.16 Australia sought information from Uruguay whether it undertook a port inspection of the *Insung No. 2* prior to the fire.

#### Environmental protection and mitigation measures

2.17 SCIC considered reports compiled by international scientific observers in respect of vessels' conformity with CMs 24-02, 25-02, 25-03 and 26-01 (WG-FSA-10/8). Vessels which had been reported by observers not to have conformed with all the requirements of these measures during the 2009/10 season were:

- (i) the *Thorshovdi* (Norway) which was reported to have used net sonde cables during two cruises in Area 48 (CM 25-03, paragraph 1). The observer was South African;

- (ii) the *Jung Woo No. 2* and *Jung Woo No. 3* (Republic of Korea) which were reported to have bait box packaging bands on board (CM 26-01, paragraph 1). However, all bands were reported to have been cut and retained or incinerated. The observers were Russian;
- (iii) the *Juvel* (Norway), which was mostly fishing south of 60°S, but was reported to have discarded offal during net shooting and hauling for 55% of the time during fishing in Subarea 48.3 (CM 26-01, paragraph 6(i)). The observer was from the UK.

2.18 Norway reported that it had investigated the report in respect of the *Juvel* and found that the discharge of offal related to a procedure that the vessel was working to refine and that future improvements were anticipated. The offal discharged contained no protein as evidenced by the fact that seabirds and seals had followed the *Juvel* to a lesser extent than other vessels. Norway also pointed out that there had been no reports of incidental mortality connected with the *Juvel*. Nevertheless, Norway had informed the vessel that it should seek to comply fully with CM 26-01 in future.

2.19 Norway had also investigated the report in respect of the *Thorshovdi* and found that the report must be erroneous as the vessel did not have net monitoring cables on board. Norway believed that the observer had mistaken the krill pump cable for a net monitor cable. A krill pump cable is thicker and marked bright yellow and therefore considered safe for purposes of avoiding incidental mortality. No incidental mortality had been recorded in relation to the *Thorshovdi*. Norway had consulted with the observer who had concurred that the presence of the krill pump cable did not constitute an infringement of CM 25-03.

2.20 South Africa confirmed that it had discussed the matter with the observer concerned and was satisfied that Norway's findings were correct.

2.21 The Republic of Korea had also investigated reports of packaging bands on board the *Jung Woo No. 2* and *Jung Woo No. 3*. It had found that both vessels had fished on the high seas outside the Convention Area prior to entering the Convention Area with the bands on board. As reported in WG-FSA-10/8, the bait box packaging bands were cut, retained on board and incinerated. The Republic of Korea commented that, in accordance with its interpretation of paragraph 3 of CM 26-01, the vessel had not undermined the objectives of the measure. The Republic of Korea nevertheless conceded that this was also a repeated failure by the vessels concerned and would therefore add the issue to its training program.

2.22 New Zealand noted the fact that the bands were cut was irrelevant as CM 26-01, paragraph 1, expressly prohibits the use of bait box packaging bands.

2.23 SCIC noted that no reports of non-compliance with CM 25-02 had been recorded during 2009/10. Therefore, all vessels which had fished during 2009/10 could potentially be eligible to be granted an extended licensing period in the toothfish fishery in Subarea 48.3 during 2010/11.

2.24 The Committee also considered general information on the implementation of CMs 10-02, 10-03, 10-04, 10-08 and 10-09.

2.25 SCIC noted that three CCAMLR Members, New Zealand, the UK and Uruguay had submitted port inspection reports during the 2009/10 season. A port inspection report was also received from the Contracting Party Mauritius.

2.26 Uruguay advised SCIC that it had inspected *Insung No. 7* and *Hong Jin 707* (Republic of Korea), *Tronio* (Spain), *Simeiz* (Ukraine) and *CFL Gambler* (UK). Uruguay made the following statement:

‘Uruguay, having signed last year the FAO Port States Measures Agreement, fully shares the spirit of compliance of CM 10-03 aimed at monitoring fishing operations targeting toothfish, especially on vessels flagged to third parties using Uruguayan ports, as well as all landings of other species caught outside the CAMLR Convention Area.

Until now, Uruguay has conducted port inspections of vessels carrying toothfish in accordance with national regulations, but is now ensuring that procedures to notify and report information to the CCAMLR Secretariat are in conformity with CM 10-03.

The inspections conducted thus far have not detected any irregularity which might indicate non-compliance with conservation measures adopted by CCAMLR.’

#### Control of nationals

2.27 SCIC considered a report submitted by Spain on the implementation of CM 10-08 during the 2009/10 intersessional period (CCAMLR-XXIX/BG/37) which reported on a number of sanctions imposed on Spanish nationals.

2.28 Spain reported that, due to a lack of evidence, it had not been able to proceed against the company Vidal Armadores in respect of the vessel *Chilbo San 33*. Spain had, however, been able to proceed against Vidal Armadores as a result of evidence collected by New Zealand in respect of its inspection of *Paloma V* in Auckland in May 2008. Consequently, Spain had fined Vidal Armadores €150 000 and suspended all licences, loans and subsidies for a period of two years. Spain advised that it believed that the fine was set in accordance with Spanish legislation, rather than as a proportion of the overall financial benefit that the owner had gained from IUU fishing. SCIC expressed its appreciation to Spain for its actions in respect of the *Paloma V*.

2.29 Spain had not been able to proceed against the master of *Bigaro* as the only evidence was a transcript of a radio interrogation in which the master claimed to be a Spanish national. However, Spain stated that this did not constitute sufficient proof to lead to a prosecution.

2.30 Several Members encouraged Spain to proactively continue to investigate subsequent reports of the activities of these and other vessels, as well as all reports forwarded by Members which indicated that Spanish nationals may be involved in IUU activities. Members noted the fact that information which might not be comprehensive should not preclude Spain from undertaking investigations.

2.31 A few Members pointed out that the *Paloma V* was currently named *Trosky* and that it had been sighted in the Convention Area subsequent to Spain’s prosecution. Reports had

indicated that the captain of the *Trosky* was the same individual that had been on board the vessel when it had been named *Paloma V*. These Members encouraged Spain to investigate these reports and take action.

2.32 Spain reiterated that it continues to take all possible action against IUU fishing in accordance with Spanish and European Union legislation, including holding those individuals responsible to account and will request further information to be provided by CCAMLR Contracting Parties to assist investigations.

#### C-VMS reporting

2.33 The Secretariat noted CCAMLR-XXIX/BG/7, paragraph 7, advising of problems it had experienced in receiving VMS data in respect of vessels fishing outside the Convention Area.

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

2.35 SCIC noted the problems the Secretariat described that had occurred during 2009/10 in respect of vessels fishing outside the Convention Area which wished to voluntarily report C-VMS data to CCAMLR.

2.36 Chile introduced a proposal on the management by the Secretariat of VMS data reported voluntarily by vessels fishing outside the Convention Area (CCAMLR-XXIX/46). Chile expressed concern that delays in the processing of such VMS data had hampered the trade of toothfish taken outside the Convention Area.

2.37 SCIC took note of the situation described and that the Secretariat had confirmed that it would assist Chile when it voluntarily requested the Secretariat to receive, process, manage and transmit in a timely manner VMS data in respect of catches of *D. eleginoides* from outside the Convention Area.

2.38 Chile subsequently withdrew its proposal.

#### Compliance Evaluation Procedure

2.39 SCIC considered intersessional work conducted by the ad hoc group for the Development of a Compliance Evaluation Procedure (DOCEP) (CCAMLR-XXIX/17). The Convener of DOCEP, Ms Dawson-Guynn, reported that all Members had been requested intersessionally to complete a questionnaire to record their perception of the impact of non-compliance on the Antarctic marine ecosystem (CCAMLR-XXVIII, paragraph 8.39).

2.40 The questionnaire had been circulated to all Members and comprised elements of conservation measures which relate to vessel compliance. Completed questionnaires had

been submitted by Australia, Chile, France, Spain, EU, Japan, Norway, New Zealand, Sweden, UK, USA and Uruguay. Members noted that the low number of responses limited the ability of DOCEP to assess the views of all Members and encouraged all Members to respond to such questionnaires in future.

2.41 Those Members had assigned a 1–5 ranking of each element based on their perception of whether the impact of an incident of non-compliance with that element was considered negligible, minor, major, serious or critical. In assigning impact scores, some Members had observed that there was general agreement that conservation measures are adopted for good reasons and, therefore, any breach could be assigned a score of 5 (critical).

2.42 SCIC noted that some Members assigned scores based strictly on how non-compliance would impact the ecosystem directly. Other Members had also assigned scores with broader view of how non-compliance with a conservation measure might have an indirect effect on the ecosystem by undermining the effectiveness of CCAMLR conservation measures. The System of Inspection was used as an example. Failure by a vessel to submit to an inspection may have no direct impact on the environment but would mean that compliance with conservation measures would not be able to be measured.

2.43 Some issues raised in relation to future work of DOCEP were:

- (i) the problem of measuring frequency would require further consideration. Scope existed for frequency to be considered in different ways, for example, one incident of non-compliance by a vessel during a fishing trip could be considered a frequency of 1, whereas one trip during which non-compliance occurs could also be considered a frequency of 1;
- (ii) the degree of non-compliance within a measure should be taken into consideration within the DOCEP matrix;
- (iii) consideration may also need to be given as to whether the incident of non-compliance was accidental or intentional;
- (iv) clarifying responsibility for the incident of non-compliance can be difficult as it may not be clear whether the incident of non-compliance is the fault of a vessel or its Flag State.

2.44 SCIC generally agreed that there was value in continuing the work of DOCEP. All Members were encouraged to participate in its future work.

2.45 SCIC agreed that the DOCEP group would continue work intersessionally and requested the Secretariat to establish a ‘bulletin board’ on the CCAMLR website to facilitate the work. Based on the work done intersessionally, a meeting could be convened in Hobart prior to the start of CCAMLR-XXX.

2.46 ASOC acknowledged the important work CCAMLR has done to adopt binding conservation measures. ASOC believed that it was important to have a transparent evaluation process in place in order to provide confidence to the global community that CCAMLR conservation measures in force were being implemented in full. ASOC therefore encouraged the future work of DOCEP.

2.47 SCIC thanked Ms K. Smith (Australia) for volunteering Australia to return as DOCEP convener to progress the future work of DOCEP.

#### Proposals for new and revised measures

##### Draft proposals agreed by SCIC

2.48 SCIC agreed to forward the following measures to the Commission with a recommendation that they be adopted (CCAMLR-XXIX/BG/44):

- (i) a proposal to amend CM 23-07 to bring forward the reporting deadline for daily reports from 10 pm UTC to 12 pm UTC in order to improve the timeliness with which the Secretariat was able to receive and process daily reports;
- (ii) a proposal submitted by the EU to require VMS reporting in accordance with CM 10-04 by krill vessels (CCAMLR-XXIX/41);
- (iii) a proposal submitted by New Zealand for the adoption of a new resolution aimed at addressing IUU fishing in the Convention Area (CCAMLR-XXIX/36 Rev. 2);
- (iv) a proposal by New Zealand to adopt a procedure to seek non-Contracting Parties' cooperation via correspondence from the Chair of the Commission (CCAMLR-XXIX/37 Rev. 1); (see paragraphs 4.7 to 4.12);
- (v) a proposal to delete paragraph 3 and make minor amendments to paragraph 4 of CM 10-02 for editorial purposes.

##### Draft proposals forwarded to the Commission for further consideration

2.49 SCIC agreed to forward the following measures to the Commission for further consideration (CCAMLR-XXIX/BG/45 Rev. 1):

- (i) a proposal submitted by the USA to require a fee to accompany krill notifications (CCAMLR-XXIX/34 Rev. 1);
- (ii) proposals submitted by the EU to amend CMs 10-06 and 10-07 to adopt procedures for the intersessional delisting of IUU vessels (CCAMLR-XXIX/42 and 43);
- (iii) a proposal submitted by the USA and the EU to strengthen CM 10-03 to implement minimum standards in respect of port inspections and training of inspectors and bring the measure in line with the provisions of the Port State Measures Agreement (CCAMLR-XXIX/35 Rev. 1);
- (iv) a proposal that it would be useful for the safety of observers, as well as for the purposes of combating IUU, for CM 10-02 to be amended to make it mandatory

for all vessels operating in the Convention Area to have an IMO number and for these to be reported to CCAMLR. SCIC noted that if changes to CM 10-02 are agreed, then changes to CM 10-03, Annex A, would also be required.

2.50 In introducing the port inspection proposal, the USA and the EU reminded Members of progress that had been made with respect to the recommendations of the Performance Review Panel (PRP) to improve CM 10-03, by adopting a broader definition of 'fishing vessel' in 2008 to include reefer and support vessels and, in 2009, adopting inspection procedures.

2.51 The USA and the EU drew SCIC's attention to the fact that, since CCAMLR-XXVIII, the FAO Conference adopted the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing (FAO Agreement). The FAO Agreement sets minimum standards for Port State measures, including the conduct of fishing vessel inspections and the training of inspectors, and has already been signed by some Members.

2.52 The USA and the EU explained that the objective of the proposal was to address the continuing problem of IUU fishing and to make further progress against Recommendation 4.2.2.2 of the PRP, which was recognised as a priority at CCAMLR-XXVIII, by strengthening CCAMLR's existing scheme on port inspections through the expansion of its scope to vessels carrying Antarctic marine living resources other than *Dissostichus* spp. and incorporating a set of minimum standards, consistent with the FAO Agreement, for granting entry into port and access to port services, the conduct of inspections and training of inspectors, follow-up actions and Flag State responsibilities. In this context, the USA and the EU drew the Committee's attention to the fact that the level of IUU fishing in the Convention Area has almost doubled compared to last year, rendering the fight against IUU fishing in the area even more urgent and important. The USA and the EU expressed the view that moving towards a harmonised set of minimum standards should ultimately facilitate Members' compliance with CM 10-03 as well as the provisions of CMs 10-06 and 10-07 that oblige Members to restrict port access to vessels on CCAMLR's CP-IUU and NCP-IUU Vessel Lists.

2.53 In considering the proposal to amend CM 10-03, Argentina noted that it contained elements relating to CM 10-02, as well as to the FAO Port State Measures Agreement 2009. Some Members noted that the Port State Agreement, which is not in force, was still under examination by their authorities and that, therefore, consideration could be given to such a proposal at a later stage.

2.54 The EU expressed its surprise and disappointment at the fact that some Members, which had participated in Port State Agreement negotiations, agreed on the text by consensus and subsequently signed the Agreement, were unable to agree to the provisions of the Agreement being incorporated into CM 10-03. The EU believed that ratification of the Agreement might be a lengthy process and that CCAMLR should move to close any potential loopholes in the interim.

2.55 The USA pointed out that its proposal applied only to CCAMLR species and vessels which had fished in the Convention Area, and that adoption of the proposal did not implement the Port State Measures Agreement by default.

2.56 The USA introduced a proposal for krill notification fees explaining that the fees were intended to serve two purposes, first to cover the Secretariat's administrative costs associated with processing krill notifications, and second to provide an incentive for fishers to notify their intended krill harvests more accurately, which would assist the Scientific Committee in providing advice for the krill fishery. The USA noted that the need to address this issue had been discussed on several occasions in the past, and that the PRP had recommended such a cost-recovery scheme. The USA noted that the Executive Secretary had advised that the cost to process a notification was the same for all fisheries.

2.57 Several Members indicated that they would like to see this fishery treated equally with other CCAMLR fisheries and that the Scientific Committee would benefit from the better accuracy of krill notifications, and expressed their full support for the proposal.

2.58 Some Members expressed concern over the proposed introduction of a krill notification fee. One Member suggested that, at present, the krill fishery should not be administered in the same way as new and exploratory fisheries. Another Member indicated that more information needed to be provided for further consideration on proposals for krill notification fees.

## IUU FISHING IN THE CONVENTION AREA

### Current level of IUU fishing

3.1 The Committee considered information submitted by Australia (CCAMLR-XXIX/BG/29), France (CCAMLR-XXIX/44) and the Secretariat (CCAMLR-XXIX/16 Rev. 1) in respect of the current level of IUU fishing in the Convention Area during the 2009/10 season.

3.2 Seven vessels had been reported to have engaged in IUU fishing in the Convention Area during 2009/10, and the Secretariat had estimated that they had caught 1 615 tonnes of *Dissostichus* spp. during the 2009/10 season to date, of which 133 tonnes were estimated to be *D. eleginoides* and 1 482 tonnes were estimated to be *D. mawsoni*. All IUU vessels were believed to be using gillnets and all vessels were reported to have fished in Subarea 58.4, particularly in Divisions 58.4.1 and 58.4.2.

3.3 SCIC noted advice from the Chair of the Scientific Committee that the Committee had expressed its concern about IUU fishing, particularly in relation to the widespread use of gillnets in the Convention Area.

3.4 The Chair of the Scientific Committee conveyed the support of the Committee for the IUU estimates prepared by the Secretariat, particularly in relation to the evaluation of effort, but advised that it was difficult to estimate catch rates by gillnets.

3.5 SCIC noted advice from the Chair of the Scientific Committee that the lack of surveillance data from some areas may have resulted in IUU estimates that are too low.

3.6 Spain reported on the presence of an IUU vessel, *Tchaw*, in the port of Vigo, Spain (CCAMLR-XXIX/BG/38). The vessel had arrived in Vigo from Portugal where it had been tied up for a period of two years and had no fish on board. Spain advised that it had

commenced an investigation which was still under way, and that the vessel would be detained in port until the investigation had concluded. Spain advised that it would provide a full report to CCAMLR as soon as the investigation was complete. Spain reported that the vessel was claiming Togolese flag. Spain also clarified that the vessel had not, in fact, been previously flagged to Chile as reported in CCAMLR-XXIX/BG/38.

3.7 Members agreed that Spain's actions were a positive step and thanked Spain for its report. In addition, Argentina observed that the incident demonstrated that it would be useful to have a mechanism to facilitate the timely exchange of information and cooperation amongst Parties.

3.8 ASOC introduced its paper CCAMLR-XXIX/BG/20 that summarised ASOC's priorities for this meeting in relation to IUU fishing, and made the following statement:

'The Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing, adopted by FAO in November 2009, provides a set of highly efficient and cost-effective tools to be used by Port States to help combat IUU fishing. We encourage Members to look at the recent Pew Environment Group study on Port State performance across the globe which highlights the significant loopholes which currently exist in Port State measures. It also reveals that port States do not adequately implement their Port State obligations and that RFMOs should improve their assessment of compliance by Contracting Parties with Port State measures.

ASOC strongly supports the earliest possible entry into force of the Port State Measures Agreement (PSMA) and would like to congratulate those Members who have already signed it. We encourage all CCAMLR Members to sign and ratify the Agreement as soon as possible.

ASOC also encourages CCAMLR to mandate that all fishing and fishing-support vessels operating in the Convention Area be required to have an IMO number before they are authorised to operate or fish. We also believe that more information needs to be publicly available on port visits by vessels, which will require enhanced recording, information-sharing and coordination amongst national port authorities.

Referring to CCAMLR-XXIX/BG/25, ASOC highlighted that, while CCAMLR has a range of Port State measures in place, these are neither as comprehensive nor as effective as the measures set out in the PSMA. We also note in this regard that there is a proposal before the Commission to adapt CCAMLR's Port State measures to the PSMA standard and we hope that Members will be able to make substantial progress at this meeting.'

## IUU Vessel Lists

3.9 SCIC noted no information had been received in respect of vessels which could be considered for inclusion on a Provisional CP or NCP-IUU Vessel List in 2010.

3.10 China noted that two Chinese-flagged vessels, *North Ocean* and *West Ocean*, were included on the CP-IUU Vessel List. China reiterated that severe sanctions have been

imposed on the vessels during the last four years. China believed that it is appropriate, and in the interest of both China and CCAMLR, to remove the two vessels from the CP-IUU Vessel List.

3.11 China advised SCIC that on 29 September 2010, the owner of the vessels *North Ocean* and *West Ocean* had signed a memorandum of sales agreement with the Insung Corporation of Korea and the deposit had been paid. China provided SCIC with copies of the sale agreement and deposit payment document.

3.12 The Republic of Korea advised SCIC that a 25% deposit for the sale of the vessels had been paid and that vessels remained in port in China under Chinese flag. The vessels would not be delivered until the final sum of money had been paid.

3.13 China recalled that in CCAMLR-XXVIII, paragraph 9.19, the Commission had agreed that the two vessels, *North Ocean* and *West Ocean*, should be removed from the CP-IUU Vessels List in accordance with CCAMLR XXVII, paragraph 10.10, or in accordance with CM 10-06.

3.14 China believed that SCIC should consider the matter in the same way as last year. China proposed that SCIC recommend to the Commission that the two vessels, *North Ocean* and *West Ocean*, shall be removed from the CP-IUU Vessel List within 10 working days once China informs the Commission via a Commission Circular that the vessels have been sold to the Insung Corporation. The Commission Circular shall have attached copies of the Bill of Sale, commercial invoice and the protocol of delivery and acceptance of these vessels described in clauses 3(a) and 3(b) of the memorandum of agreement (contract number: SFV-2010-07).

3.15 Some Members thanked China for providing the information about the two vessels and proposed to discuss this issue in the Commission.

3.16 Some Members referred to the Commission's arrangements made last year regarding the removal of two Chinese flagged vessels, the *South Ocean* and *East Ocean*, from the CP-IUU Vessel List, and believed that the Commission could also find an intersessional arrangement to remove *North Ocean* and *West Ocean* from the CP-IUU Vessel List.

3.17 Some Members noted the importance of applying the provisions of CM 10-06 to any request by a Member for delisting vessels and that adequate documentation was essential.

3.18 Some Members requested more time to consider the documentation provided by China. SCIC decided to forward the matter to the Commission for further consideration.

3.19 SCIC also considered information that, during 2010, Togo had reportedly de-flagged the vessels *Bigaro*, *Carmela*, *Typhoon-1*, *Chu Lim*, *Rex* and *Zeus*, all of which were included on the NCP-IUU Vessel List. However, several subsequent reports indicated that a number of the vessels concerned were still claiming Togolese flag (SCIC-10/4). SCIC noted that further information might be pending.

3.20 Nigeria made the following statement:

'I would like to advise CCAMLR of the fishing vessel *Good Hope* which was reported to have been engaged in IUU activities in the Convention Area and subsequently

placed on CCAMLR's NCP-IUU Vessel List. Nigeria's Federal Department of Fisheries has checked its list of registered inshore and offshore fishing vessels, as well as those of countries with which Nigeria has a bilateral relationship. The name *Good Hope* does not appear on these lists. Presently, the Federal Department of Fisheries has no industrial fishing vessels in its registry and does not flag or licence any vessel to fish or engage in fishing activities outside its territorial waters. Nigeria, therefore, as part of its commitments, obligations and respect for international laws, promises to forward to CCAMLR a quarterly update of its registered inshore, offshore, EEZ and industrial vessels.

Consequently, Nigeria would like to advise CCAMLR to regard any vessel that is sighted or caught flying the flag of Nigeria that fish in the Convention Area as having no genuine link with the Government of Nigeria and may be treated as stateless in accordance with international law. Nigeria would therefore be pleased if, in future, such vessels are apprehended and delivered to the Government of Nigeria to face the law of its land.

Nigeria pledges its full support and commitment to the FAO Code of Conduct for Responsible Fishing and EU fisheries regulations, for example, IUU fishing in the CAMLR Convention Area.'

## CATCH DOCUMENTATION SCHEME (CDS)

### Implementation and operation of the CDS

4.1 The Secretariat reported on the implementation and operation of the CDS during the 2009/10 intersessional period (CCAMLR-XXIX/BG/8).

4.2 It was noted that relatively large volumes of toothfish had been reported imported by the Hong Kong Special Administrative Region (SAR): 2 399 tonnes for the 2009 calendar year and 1 172 tonnes for the 2010 calendar year to date.

4.3 China informed SCIC that Hong Kong SAR was exempt from the provisions of the CAMLR Convention but that it had nevertheless consulted with Hong Kong SAR regarding the voluntary implementation of the CDS.

4.4 China reiterated that it would continue to consult with Hong Kong SAR on the issue of CDS implementation. In response to some Members' concerns, China is of the view that it would be inappropriate for the Secretariat to contact Hong Kong SAR authorities directly. China informed SCIC that it would attempt to facilitate the exchange of information with Hong Kong SAR if the Secretariat presented any requests to China.

4.5 SCIC also noted that the ports of Singapore and Malaysia had been used by IUU-listed vessels over the previous year. Singapore had advised that it did not have a system in place to inspect fishing vessels on a regular basis.

4.6 The EU recalled that Singapore had been granted the status of a non-Contracting Party cooperating with CCAMLR by participating in the CDS and that, as Singapore did not appear

to be fulfilling all the requirements of the CDS, it might be timely for the Commission to consider revoking this status if Singapore did not commit to fulfilling the CDS in full during the course of the next year.

4.7 SCIC recommended that the Commission request the Chair of the Commission to write, on behalf of the Commission, to non-Contracting Parties whose fishing vessels have previously been detected engaged in IUU fishing activities in the CAMLR Convention Area (and therefore may be expected to in the future), e.g. Togo, Equatorial Guinea and Cambodia, to obtain their prior written consent to allow any CCAMLR Member to board and inspect on the high seas, by designated CCAMLR inspectors, their vessels suspected of, or found to be, IUU fishing in the Convention Area, in accordance with the CCAMLR System of Inspection and the procedures set out therein.

4.8 SCIC recommended that the Commission also request the Chair of the Commission to write, on behalf of the Commission, to Singapore and Malaysia, whose ports were reported to have been called at by vessels on CCAMLR's NCP-IUU Vessel List, to request that these countries refuse port entry to, and services to and by vessels on CCAMLR's NCP-IUU Vessel List, in conformity with international law. SCIC provided draft text to the Chair of the Commission. Further, the SCIC recommended that the Commission urge Singapore to take immediate action to implement fully the CDS in accordance with CM 10-05 in order to ensure continuation of its status as a non-Contracting Party cooperating with CCAMLR by participating in the CDS.

4.9 SCIC noted that these actions will strengthen and enhance current ad hoc efforts by the Commission and CCAMLR Members in approaching non-Contracting Parties to seek the latter's cooperation to address IUU fishing activities by their vessels in the Convention Area.

4.10 By requesting the Chair of the Commission to take these actions, SCIC felt that the Commission will demonstrate its strong resolve to address the issue of IUU fishing and exert greater influence on non-Contracting Parties to provide cooperation.

4.11 These actions will enhance and strengthen the specific actions outlined in CCAMLR Resolution 25/XXV on combating IUU fishing in the Convention Area by flag vessels of non-Contracting Parties, in particular paragraph 1(iv), which urges Contracting Parties to pursue action with non-Contracting Parties to grant permission for boarding and inspection by designated CCAMLR inspectors of their flagged vessels suspected of, or found to be, fishing in an IUU manner in the Convention Area.

4.12 These actions will also enhance and strengthen the measures outlined in CCAMLR CM 10-07.

4.13 SCIC recommended that the Commission should continue to encourage Contracting Parties to pursue action with regard to non-Contracting Parties in accordance with CM 10-07.

#### Proposals for improving the CDS

4.14 SCIC considered a proposal submitted by the EU for the adoption of a market-related measure (CCAMLR-XXIX/39).

4.15 Most Members thanked the EU for its proposal and reiterated the support that they had expressed for it in previous years.

4.16 Argentina thanked the EU for submitting its proposal. However, it noted with regret that no changes had been introduced to the proposal from previous years which could have enabled it to be consistent with international law. Therefore, Argentina stated that it could not modify its position.

4.17 The EU and others stated that the proposal as it stands is consistent with international law and therefore does not require any amendment.

4.18 Namibia and South Africa advised SCIC that trade-related consultations within their respective countries were still ongoing and the matter is also on the agenda of the Southern African Development Community (SADC) for deliberation by ministers responsible for fisheries. In this regard, they stated that they were not in a position to fully pronounce themselves on the EU proposal.

4.19 SCIC decided to forward the proposal to the Commission for further consideration.

#### ADVICE FROM THE SCIENTIFIC COMMITTEE

5.1 The Chair of the Scientific Committee presented the Committee's preliminary advice on topics relevant to the work of SCIC. SCIC expressed its appreciation to Dr Agnew for his very informative and comprehensive report. SCIC considered this report and made a number of observations and comments contained in paragraphs 2.4, 2.5, 2.8, 3.3,3.4, 6.8 and 6.9.

#### SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

6.1 SCIC considered summaries of scientific observation programs undertaken in 2009/10 (WG-FSA-10/5 Rev. 2, WG-FSA-10/8 and SC-CAMLR-XXIX/BG/2). During 2009/10, 16 observer cruises had been recorded on eight vessels fishing for krill. Observers had been deployed on krill vessels flagged to China, Japan, Norway, Poland and Russia.

6.2 The EU asked whether the Republic of Korea would be able to fulfil the requirements of CM 51-06 in 2009/10 given that no observer reports had been submitted.

6.3 The Republic of Korea explained that it had achieved a 30% observer coverage rate required under CM 51-06 and would submit reports to the Secretariat as soon as possible. The EU thanked the Republic of Korea for this information and looked forward to the reports being received.

6.4 SCIC considered proposals from the EU and Ukraine to increase observer coverage on board krill vessels (CCAMLR-XXIX/40 and 45 respectively).

6.5 The EU proposed to amend CM 51-06 to extend observer cover coverage to 50% in 2011/12 in line with recommendations from WG-EMM. The EU underlined the importance of obtaining information about krill and collecting relevant biological data to ensure more knowledge about this important species.

6.6 Ukraine introduced its proposal to increase observer coverage on krill vessels to 75% during the 2011/12 fishing season with an increased target coverage rate of more than 50% of observed hauls. Ukraine also proposed that observer coverage be increased to 100% for the 2012/13 fishing season. Ukraine reminded SCIC that it had been urging Members to address the important issue of observers on krill vessels for a number of years.

6.7 SCIC agreed to defer consideration of both proposals until final advice from the Scientific Committee had been received and referred both proposals to the Commission for further consideration.

6.8 SCIC noted preliminary advice from the Chair of the Scientific Committee that the ad hoc Technical Group for At-Sea Operations (TASO) had considered the development of a process for accrediting observer programs participating in the CCAMLR Scheme of International Scientific Observation.

6.9 The Chair of the Scientific Committee suggested that SCIC could play a role in this process by establishing the procedural framework within which the review panel would be constituted to assess material and evaluate whether observer training programs meet minimum standards set by TASO, as well as participating in a process for handling conflicts of interest.

6.10 SCIC agreed that the TASO review panel should commence a 'dry run' of this process and that any issues identified in the 2010/11 intersessional period should be referred to CCAMLR-XXX.

## PERFORMANCE REVIEW

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

7.2 SCIC reviewed all recommendations of the PRP Report relevant to its work, recorded progress against each one and provided an indication of whether work was in early stages, advanced stages, complete, or had yet to be considered. SCIC also referred a number of items to the Scientific Committee. The results of this review are contained in CCAMLR-XXIX/BG/46.

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

- (i) 3.1.2.1 – Mechanisms for ensuring compliance by Contracting and non-Contracting Parties and enhanced surveillance and enforcement;
- (ii) 4.1 – Flag State duties;

- (iii) 4.2 – Port State measures;
- (iv) 4.3 – Monitoring, control and surveillance;
- (v) 4.6 – Market-related measures.

7.4 In reviewing CCAMLR-XXIX/BG/46, SCIC noted that significant progress had been achieved in respect of several of the recommendations, particularly in relation to Flag State duties, Port State measures and monitoring, control and surveillance.

7.5 SCIC agreed to recommend that the Secretariat continue to update CCAMLR-XXIX/10 in future. SCIC also agreed to seek advice from the Commission as to whether it intended to continue to review Performance Review recommendations via its committees.

## OTHER BUSINESS

8.1 The Committee considered a proposal from the Secretariat to conduct an independent review of the Secretariat's data management systems (CCAMLR-XXIX/13). The estimated overall cost of the review was US\$33 000.

8.2 SCIC had no objection to the proposal proceeding, provided that the Scientific Committee agreed that such a review was desirable and SCAF reviewed any budget implications.

8.3 SCIC also noted information from the Secretariat that the current C-VMS software would become obsolete in the course of the next few years (CCAMLR-XXIX/BG/14). Members were requested to consider this issue prior to CCAMLR-XXX.

## ELECTION OF THE CHAIR AND VICE-CHAIR OF THE COMMITTEE

9.1 Both the Chair and the Vice-Chair of the Committee concluded their current terms at the end of CCAMLR-XXIX.

9.2 SCIC was delighted to re-elect Ms Dawson Guynn and Mr J.P. Groenhof (Norway) to the positions of Chair and Vice-Chair of the Committee respectively.

## ADVICE TO THE COMMISSION

10.1 SCIC's advice to the Commission is summarised in CCAMLR-XXIX/BG/47. Draft conservation measures forwarded by SCIC to the Commission with a recommendation that they be adopted are contained in CCAMLR-XXIX/BG/44. Draft conservation measures forwarded by SCIC for further consideration by the Commission are contained in CCAMLR-XXIX/BG/45 Rev. 1.

## ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

11.1 The Chair thanked all delegates for the progress they had made during the meeting. The Chair also thanked the interpreters for the important role that they play in the work of the Committee. The Chair thanked, in particular, the Secretariat and the convener of the conservation measures drafting group, Ms G. Slocum (Australia) for her efforts in guiding the development of new and draft measures. The Chair also thanked the Vice-Chair of SCIC, Mr Groenhof for his work convening the DOCEP subgroup.

11.2 SCIC extended its sincere appreciation to Ms Dawson-Guynn and Ms Slocum for the exceptionally good guidance they had provided during the 2010 meeting of SCIC.

11.3 The Report of SCIC was adopted and the 2010 meeting of SCIC was closed.

**AGENDA**

Standing Committee on Implementation and Compliance (SCIC)  
(Hobart, Australia 25 to 29 October 2010)

1. Opening of meeting
  - (i) Adoption of agenda
  - (ii) Organisation of meeting
  - (iii) Review of submitted papers, reports and other presentations
2. Review of compliance and implementation-related measures and policies
  - (i) Compliance with conservation measures in force
  - (ii) Compliance evaluation procedure
  - (iii) Proposals for new and revised measures
3. IUU fishing in Convention Area
  - (i) Current level of IUU fishing
  - (ii) IUU Vessel Lists
4. Catch Documentation Scheme (CDS)
5. Advice from the Scientific Committee
6. Scheme of International Scientific Observation
7. Performance Review
8. Other business
9. Election of the Chair and Vice-Chair of the Committee
10. Advice to SCAF
11. Advice to the Commission
12. Adoption of the report and close of the meeting

**LIST OF DOCUMENTS**

Standing Committee on Implementation and Compliance (SCIC)  
(Hobart, Australia 25 to 29 October 2010)

SCIC-10/1	Provisional Agenda for the 2010 Meeting of the CCAMLR Standing Committee on Implementation and Compliance (SCIC)
SCIC-10/2	List of documents
SCIC-10/3	Standing Committee on Implementation and Compliance (SCIC) Terms of Reference and Organisation of Work
SCIC-10/4	Flag status of some vessels on the NCP-IUU vessel list Secretariat
Information documents:	
SC-CAMLR-XXIX/BG/2	Summary of scientific observation programs undertaken during the 2009/10 season Secretariat
WG-FSA-10/5 Rev. 2	Summary of Scientific Observations in the CAMLR Convention Area for 2009/10 season Secretariat
WG-FSA-10/6 Rev. 1	Estimation of IUU catches of toothfish inside the Convention Area during the 2009/10 fishing season Secretariat
WG-FSA-10/8	A summary of scientific observations related to Conservation Measures 25-02 (2009), 25-03 (2009) and 26-01 (2009) Secretariat
Other Documents:	
CCAMLR-XXIX/9	African IUU Capacity Building Workshop and CDS Fund Expenditure – Report to CCAMLR-XXIX Delegations of Australia, South Africa, the United Kingdom and the CCAMLR Secretariat

CCAMLR-XXIX/10	Progress report on consideration of the recommendations of the Performance Review Secretariat
CCAMLR-XXIX/12	CDS training materials and CDS fund expenditure – report to CCAMLR-XXIX Secretariat
CCAMLR-XXIX/13	Proposal to commission an independent review of the Secretariat’s data management systems Secretariat
CCAMLR-XXIX/16	Reports under articles X, XXI and XXII of the Convention and Conservation Measures 10-06 and 10-07 – IUU fishing and IUU vessel lists 2009/10 Secretariat
CCAMLR-XXIX/17	Development of a Compliance Evaluation Procedure (DOCEP): results of intersessional work Convener, DOCEP
CCAMLR-XXIX/19	Summary of notifications for krill fisheries 2010/11  Secretariat
CCAMLR-XXIX/20	Summary of notifications for new and exploratory fisheries 2010/11  Secretariat
CCAMLR-XXIX/34 Rev. 1	Improvement of krill fishing notification accuracy through notification fees Delegation of the USA
CCAMLR-XXIX/35 Rev. 1	Proposal to strengthen CCAMLR’s port inspection scheme to prevent, deter and eliminate illegal, unreported and unregulated fishing Delegations of the USA and the European Union
CCAMLR-XXIX/36 Rev. 1	Proposed resolution on illegal, unreported and unregulated (IUU) fishing in the CCAMLR Convention Area Delegation of New Zealand
CCAMLR-XXIX/37	Combating illegal, unregulated and unreported (IUU) fishing in the CCAMLR Convention Area Proposal for additional action with respect to seeking non-Contracting Parties cooperation Delegation of New Zealand

CCAMLR-XXIX/39	EU proposal for a conservation measure concerning the adoption of market-related measures to promote compliance Delegation of the European Union
CCAMLR-XXIX/40	EU proposal for amendment to CCAMLR Conservation Measure 51-06 on scientific observation in krill fisheries Delegation of the European Union
CCAMLR-XXIX/41	EU proposal for amendment to CCAMLR Conservation Measure 10-04 to include krill vessels in VMS reporting Delegation of the European Union
CCAMLR-XXIX/42	EU proposal for amendment to CCAMLR Conservation Measure 10-06 to allow for intersessional de-listing of IUU vessels Delegation of the European Union
CCAMLR-XXIX/43	EU proposal for amendment to CCAMLR Conservation Measure 10-07 to allow for intersessional de-listing of IUU vessels Delegation of the European Union
CCAMLR-XXIX/44	Information on illegal fishing in Statistical Area 58 Assessment of illegal fishing in French waters around Kerguelen and Crozet Islands: report of observations and inspections in the CCAMLR area 2002/2010 season (1 July 2009 to 15 August 2010) Delegation of France
CCAMLR-XXIX/45	On the scientific observation and krill escape mortality in the krill fishery Delegation of Ukraine
CCAMLR-XXIX/46	Management of VMS information by the Secretariat concerning catches of Patagonian toothfish beyond the Convention Area Delegation of Chile
CCAMLR-XXIX/BG/5	Report on transshipment of krill in 2009 Delegation of Japan
CCAMLR-XXIX/BG/7	Implementation of the System of Inspection and other CCAMLR compliance-related measures in 2009/10 Secretariat
CCAMLR-XXIX/BG/8	Implementation and operation of the Catch Documentation Scheme in 2009/10 Secretariat

CCAMLR-XXIX/BG/10 Rev. 1	Implementation of fishery conservation measures in 2009/10 Secretariat
CCAMLR-XXIX/BG/14	C-VMS system Secretariat
CCAMLR-XXIX/BG/29	Heard Island and McDonald Islands Exclusive Economic Zone 2009/10 IUU catch estimate for Patagonian toothfish Delegation of Australia
CCAMLR-XXIX/BG/37	Report of sanctions applied by Spain Delegation of Spain
CCAMLR-XXIX/BG/38	Presence of an IUU vessel in a Spanish port Delegation of Spain