

**CCAMLR-XXXVI**

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

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

**HOBART, AUSTRALIA  
16–27 OCTOBER 2017**

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## **Abstract**

This document is the adopted record of the Thirty-sixth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia, from 16 to 27 October 2017. Major topics discussed at this meeting included: consideration of a Report of the Second Performance Review of the organisation; ongoing efforts to establish a sustainable funding base; the status of CCAMLR-managed fisheries; the Report of the Thirty-sixth meeting of CCAMLR's Scientific Committee; illegal, unreported and unregulated fishing in the Convention Area; CCAMLR fisheries regulatory framework; vulnerable marine ecosystems and bottom fishing; additional efforts to establish a representative system of marine protected areas (MPAs) in the Convention Area; the development of a research and monitoring plan for the Ross Sea region MPA; precautionary management of the krill fishery; assessment and avoidance of incidental mortality of Antarctic marine living resources; new and exploratory fisheries; the System of Inspection and the Scheme of International Scientific Observation; compliance with conservation measures in force, including the implementation of CCAMLR's Compliance Evaluation Procedure; the operation of the Commission's vessel monitoring system, including to support search and rescue efforts in the Southern Ocean; review of existing conservation measures and adoption of new conservation measures; management under conditions of uncertainty; and cooperation with other international organisations, including within the Antarctic Treaty System. The Reports of the Standing Committee on Implementation and Compliance and the Standing Committee on Administration and Finance are appended.

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**Report of the Thirty-sixth  
Meeting of the Commission**  
(Hobart, Australia, 16 to 27 October 2017)

**Opening of the meeting**

1.1 The Thirty-sixth Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR-XXXVI) was held in Hobart, Tasmania, Australia, from 16 to 27 October 2017. It was chaired by Dr M. Mayekiso (South Africa).

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

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

1.4 In accordance with the Commission's decision at CCAMLR-XXXV (CCAMLR-XXXV, paragraph 13.4 and COMM CIRC 17/46–SC CIRC 17/35), the following non-Contracting Parties (NCPs) were invited to attend CCAMLR-XXXVI as Observers: Antigua and Barbuda, Brunei Darussalam, Colombia, Costa Rica, Dominican Republic, Ecuador, Indonesia, Islamic Republic of Iran, Libya, Malaysia, Mali, Mexico, Mongolia, Nigeria, Philippines, Singapore, Tanzania, Thailand, Trinidad and Tobago, United Arab Emirates and Viet Nam. Iran and Singapore attended the meeting.

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

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

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

1.8 On behalf of the Meeting, Ms E. Winterhoff (Vice-Chair, Germany) thanked the Governor for her welcome.

1.9 At the conclusion of the Governor's address, Dr S. Nicol (ARK and previously from the Australian Delegation) was presented with a memento acknowledging his contribution to CCAMLR for more than 30 years. The Chair extended his congratulations and appreciation to Dr Nicol for his significant contribution to CCAMLR.

1.10 The Commission noted that Brazil is more than two years in arrears in respect of its budgetary contributions to the organisation. While Brazil was welcome to participate in discussions at CCAMLR-XXXVI, the Commission agreed Brazil would not be entitled to block a consensus decision of other Members.

## **Organisation of the meeting**

### **Adoption of the agenda**

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

2.2 The Chair confirmed that Ms J. Kim (Republic of Korea) was available to chair the Standing Committee on Implementation and Compliance (SCIC) this year and next. Japan generously offered Mr H. Moronuki as Chair of the conservation measures drafting group this year. Dr M. Belchier (UK) would chair the Scientific Committee for a second year. The USA offered Dr C. Jones (USA) to chair the Standing Committee on Administration and Finance (SCAF) for the 2017 meeting. On behalf of the Commission, the Chair expressed appreciation to the Delegations of Korea, Japan, the UK and USA respectively for releasing these delegation members for these important roles.

### **Status of the Convention**

2.3 Australia, as Depositary, reported that the status of the Convention had not changed during the last intersessional period.

2.4 The Netherlands advised that it would present a statement relating to its intentions regarding its application for membership under Agenda Item 12.

### **Report of the Chair**

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



## Report of the Second Performance Review (PR2) Panel

2.6 In order to provide CCAMLRL-XXXVI, its subsidiary bodies and the Scientific Committee with the opportunity to consider the Report of the Second Performance Review (PR2) Panel (PR2 Report), the Chair invited the Co-chair of the Panel, Mr O. Urrutia (Chile), to introduce the PR2 Report that would be considered in more detail during the second week of the Commission meeting under Agenda Item 9.2.

2.7 Mr Urrutia noted that the process that was implemented to select the members of the Panel was agreed by the Commission at last year's meeting (CCAMLRL-XXXV, Annex 8). The process was successfully completed in early 2017 and the Panel began its deliberations electronically and by conference calls in February. One of its first tasks was the development of a questionnaire seeking the views of Members, other Contracting Parties and Observers on various aspects of CCAMLRL's performance and strategic issues (CCAMLRL-XXXV, Annex 8, paragraph 4). The Co-chair expressed appreciation to those who had responded to the invitation to complete the questionnaire. Seven members of the Panel met in Hobart in late June 2017 to draft their report. It was released to CCAMLRL Members in late August 2017 (CCAMLRL-XXXVI/01).

2.8 The Co-chair reported that the Panel had undertaken a detailed examination of the First Performance Review (PR1) Panel Report, its recommendations and the actions taken by the Commission to date in responding to those recommendations. The Panel acknowledged that views among Members varied on the degree of implementation of the PR1 recommendations, as was evident from discussions during annual meetings and the questionnaire responses. It also noted that the PR1 recommendations were developed to address issues identified at a particular point in time and that the PR1 recommendations would remain available for reference and action by CCAMLRL and/or Members, as appropriate. The Panel considered that it was important to review the performance of CCAMLRL in light of current circumstances. Rather than providing detailed assessments of the degree of implementation of each of the PR1 recommendations, the Co-chair advised that the Panel decided it would be of greatest benefit to CCAMLRL to build on the whole of PR1 by identifying priority recommendations related to those matters it considered were most relevant to CCAMLRL's current work and to strengthening future performance in meeting the objective of the Convention.

2.9 The Co-chair advised that the PR2 Report is divided into eight chapters: The first chapter presents the general conclusions of the Panel's review of implementation of the PR1 recommendations and progress in CCAMLRL's performance since PR1. The remaining chapters cover seven priority thematic areas identified by the Panel. In each of the seven thematic chapters, the Panel has provided recommendations accompanied by a short narrative describing its rationale and observations. In some cases, the Panel has also presented suggested options for the consideration of the Commission in giving effect to the overarching recommendation. Mr Urrutia presented a summary of the context and recommendations associated with each chapter of the PR2 Report.

2.10 In commending the PR2 Report to the Commission, Mr Urrutia expressed appreciation to his fellow Panel members for their expertise and significant contributions to the Report and to the Secretariat for its efficient administrative and technical support.

2.11 Prior to recommending that the Commission's subsidiary bodies and the Scientific Committee give some early consideration to the report during their meeting in the first week of this year's meetings, and return to more detailed discussion on the report during the second week, the Chair invited preliminary comments from Members.

2.12 Members expressed appreciation to the Panel for a succinct and useful report that reflected on progress and challenges since the PR1 in 2008, considered current issues that are before the Commission and Scientific Committee and provided recommendations for future work. The Commission also expressed appreciation to the Secretariat for the support provided to the Panel.

#### Proposals for new conservation measures

2.13 To facilitate the review of proposals for new conservation measures in the Scientific Committee or appropriate subsidiary body during the first week of the Commission meeting, the Chair provided delegations that had tabled papers that included proposals for new conservation measures under Agenda Item 8.2 an opportunity to introduce the following papers:

- Ross Sea region marine protected area (MPA): consequential changes to other conservation measures by New Zealand and the USA (CCAMLR-XXXVI/16)
- a draft conservation measure for an East Antarctic MPA by Australia, the EU and its member States (CCAMLR-XXXVI/17)
- establishing a coordination group for CCAMLR by Australia and the UK (CCAMLR-XXXVI/21)
- proposal to increase transparency related to fishing for research purposes targeting *Dissostichus* spp. conducted pursuant to Conservation Measure (CM) 24-01 by the USA (CCAMLR-XXXVI/22)
- harmonising CCAMLR's approach to activities targeting toothfish by the Secretariat (CCAMLR-XXXVI/27) to complement the paper tabled by the USA
- establishment of an exploratory fishery for Antarctic toothfish (*Dissostichus mawsoni*) in Subarea 88.3 by Australia and New Zealand (CCAMLR-XXXVI/29).

2.14 Upon request by Argentina and Chile, a brief introduction was made before the Commission about the ongoing work they are conducting towards a preliminary proposal for an MPA in Domain 1. They highlighted the importance of international collaboration in this process, given the diversity and significant amount of human activities that take place in the Antarctic Peninsula region. In the interest of transparency and effectiveness of the process, they further noted that a proposal to establish an ad hoc expert group would be put forward during the detailed presentation made before the Scientific Committee. A brief video presentation complemented the intervention.

## Implementation and Compliance

### Advice from SCIC

3.1 The Chair of SCIC, Ms Kim, presented the Report of SCIC (Annex 6). The Chair of SCIC thanked Members, the Secretariat, interpreters and other support staff for their dedicated efforts throughout the meeting. The Chair of SCIC also reported that SCIC had recognised the significant efforts of the Secretariat to progress work in respect of the Catch Documentation Scheme for *Dissostichus* spp. (CDS), vessel monitoring system (VMS), NCP engagement and in understanding illegal, unreported and unregulated (IUU) trends and activities.

### System of Inspection

3.2 The Commission noted that SCIC had considered proposed changes to the System of Inspection report form and the introduction of a standardised radio inspection form (CCAMLR-XXXVI/14) and that many Members had offered strong support for the strengthening of the System of Inspection to combat IUU fishing (Annex 6, paragraphs 63 to 76).

3.3 Some Members noted concerns about the status of information gathered by radio transmission, the potential difficulties in the verification and cross-checking of information, and the potential language barrier faced between designated inspectors and crew on vessels being inspected.

3.4 Russia noted that there was a need to distinguish between inspecting, surveying and collecting information. Russia highlighted that poor weather or visibility could make interpretation of information difficult and undermine key practices required of an inspection. Argentina and Russia noted that the agreed nomenclature for the mechanism was ‘information gathering’ rather than ‘radio inspection’, and called for consistency in its application.

3.5 Australia reiterated that the suggested process for information gathering by radio was not new or unusual, but constituted regular practice in vessel interactions prior to boarding. Australia emphasised that the intention was to provide a framework to formalise this and standardise information received in cases where a physical boarding was not possible. Australia also highlighted that, as occurs in physical boardings, vessels would be shown procedural fairness and provided with a right of reply. New Zealand noted that the proposed changes were based on experience and intended to improve the safety and effectiveness of inspection operations.

3.6 Ukraine noted that the list of information proposed to be gathered by radio transmission did not include information that was not already available on the CCAMLR website. Other Members noted that additional information, beyond that which is already gathered, would be minimal and would be used to complement the current System of Inspection.

3.7 Argentina noted that there was a need for the Commission to distinguish between national-level inspections and inspections and information gathering undertaken under the System of Inspection and that these nuances should be considered upon inserting such a change into the pre-established multilateral System of Inspection.

3.8 Chile recalled the report of inspections carried out by Chile's OPV-83 *Marinero Fuentealba* and AP-46 *Almirante Oscar Viel* in the 2016/17 season. Chile highlighted the fact that for one reported sighting, an inspection was not able to be finalised with a boarding due to inclement climate conditions. Chile noted that, in its opinion, if a translated radio transmission form had been available, it would have allowed the gathering of more information, and provided a better idea of the vessel's activities in the Convention Area.

3.9 Japan raised specific concerns, echoed by some Members, about the potential for miscommunication between designated inspectors and vessel masters, and noted the potential for this to increase in cases of inclement weather or harsh conditions, when vessel crews are under the high-pressure situations which the proposal was intended to cover. Japan noted that it could not support the radio communication scheme under which an infringement could occur due to miscommunication or language difficulties. Japan recalled its suggestion that the inspection form be submitted by the vessel master responding to the request by a designated inspector via email, suggesting it as a way to substantially reduce the potential for misunderstanding. The Republic of Korea thanked Japan for the valuable suggestion and expressed hope that it could be incorporated into this proposal.

3.10 New Zealand and China recalled that SCIC had encouraged Flag States to prepare the form in multiple languages to avoid misunderstanding. Several Members volunteered assistance with the translation of the inspection form. In regard to radio transmission, China noted that the proposed change is an annex to the System of Inspection and emphasised that the operative paragraphs of the system should be applied to the issue of radio transmissions.

3.11 The Commission approved a revised inspection form and requested the Secretariat make this available in numbered hard-copy versions and also on the website. The Commission also agreed to work during the intersessional period on radio transmissions and report back to CCAMLR-XXXVII.

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

3.12 The Commission noted that Ecuador had submitted an application for the Commission to consider granting it the status of an NCP cooperating with CCAMLR by participating in the CDS (COMM CIRC 17/87). The Commission recalled that at CCAMLR-XXXV it had agreed to grant Ecuador limited access to the electronic web-based CDS (e-CDS). The Commission recognised that Ecuador has cooperated with CCAMLR in a number of ways in 2017 (Annex 6, paragraphs 15, 24 and 31 and CCAMLR-XXXVI/BG/03 Rev. 1, paragraph 12).

3.13 The Commission commended Ecuador for its cooperation with CCAMLR over the past year and encouraged further engagement with CCAMLR in the coming year. The Commission noted the CDS workshop scheduled for 2018 in South America and welcomed Ecuador's interest in attending.

3.14 The Commission noted that it had considered Ecuador's application and assessed it against the provisions of CM 10-05, Annex 10-05/C, paragraph C8, and did not identify any issues in the application. The Commission noted that since the application was not submitted within the timeframe specified in CM 10-05/C, paragraph C6, SCIC was not in a position to provide recommendations as to the specifics of the request this year, but will be in a position to

do so next year. The Commission agreed that Ecuador should retain its limited access to the e-CDS and that it would consider Ecuador's application to attain the status of NCP cooperating with CCAMLR by participating in the CDS at CCAMLR-XXXVII.

3.15 The Commission also noted SCIC's recommendation to provide a mechanism for NCPs requesting limited access to the e-CDS to be provided with that access intersessionally and adopted amendments to CM 10-05 to reflect this.

3.16 The Commission agreed, on the basis of SCIC's advice, to a review of the NCP Engagement Strategy in 2018 and to extend the Trade Data Analyst position for a further 24 months on the basis of the terms of reference at Annex 6, Appendix I.

3.17 The USA expressed its appreciation to Members who supported the proposal to revise CM 10-05 as submitted to the meeting, but was disappointed that those changes were not agreed by SCIC. The USA believed that total catch, transshipments and multiple landings must be documented in the e-CDS in a transparent way, noting that there was a recommendation from the recent Performance Review (Recommendation 12) to revise the CDS to accommodate the recording and tracing of transhipped catches. The USA looked forward to engaging with all interested parties in the e-group discussion that it has agreed to lead in the intersessional period (Annex 6, Appendix II).

#### Intersessional work

3.18 The Commission noted that SCIC had recommended the establishment of a CDS Technical Working Group via an e-group to consider improvements to the CDS, particularly in respect of transshipments and multiple landings (Annex 6, paragraphs 101 to 106). The Commission agreed to the terms of reference for the CDS Technical Working Group e-group (Annex 6, Appendix II).

3.19 The Commission noted that SCIC had considered the US proposal inviting Members to further consider the regulatory gaps in the monitoring and control of transshipments (Annex 6, paragraphs 111 to 114 and CCAMLR-XXXVI/BG/17). The USA noted that further intersessional work was important to develop a strong proposal for CCAMLR-XXXVII and called on Members to consider the results of the United Nations (UN) FAO study on transshipments and Recommendation 12 of the PR2 Report (CCAMLR-XXXVI/01).

#### Offal management

3.20 The Commission noted SCIC's recommendation that the Secretariat be tasked with taking forward the work of the offal management e-group established at CCAMLR-XXXV, including a request for a paper to be prepared by the Secretariat on the work of the e-group (Annex 6, paragraphs 7 to 11).

3.21 The Commission noted the proposal made by the Secretariat and France for using satellite imagery to supplement other methods for detecting possible IUU fishing in the Convention Area. The Commission noted that France and the Secretariat would work together with other interested Members to develop a proposal for CCAMLR-XXXVII.

## CCAMLR Compliance Evaluation Procedure (CCEP)

3.22 The Commission considered SCIC's advice that in accordance with CM 10-10, paragraph 3(i), it had considered the Summary CCAMLR Compliance Report that included 18 issues (Annex 6, paragraphs 12 to 14) (CCAMLR-XXXVI/09). The Commission noted that SCIC had progressed the development of a Provisional CCAMLR Compliance Report and had assigned each issue with one of the six compliance statuses contained in CM 10-10, Annex 10-10/B, including two non-compliant categories: 'minor non-compliant' and 'seriously, frequently or persistently non-compliant'. The Commission noted that some cases did not clearly fit either category and that the status of 'non-compliant' was agreed by SCIC to be applied to issues considered by SCIC to be non-compliant, regardless of the nature or severity of the issue.

3.23 The Commission noted the progress SCIC had made in respect of 17 issues but that consensus could not be reached in respect of one issue. SCIC could not adopt a Provisional CCAMLR Compliance Report as required by CM 10-10, paragraph 3(iii), for consideration by the Commission.

3.24 The Commission considered the Summary CCAMLR Compliance Report and the Provisional CCAMLR Compliance Report that had been progressed by SCIC but that had not been finalised or adopted by consensus by SCIC.

3.25 The Commission adopted a CCAMLR Compliance Report (Annex 8) that includes all 18 issues considered by SCIC and does not include a compliance status for China's issue with CM 10-04. The Commission could not reach consensus on the issue relating to China, therefore, it was not assigned a compliance status in the CCAMLR Compliance Report for 2017.

3.26 The Commission considered a range of issues regarding the CCAMLR Compliance Evaluation Procedure (CCEP), including: the assigning of compliance statuses, particularly the interpretation of the compliance status categories; the procedures for determining further action required by a Member; the reaching of consensus, particularly in regard to issues that involved individual Members; and the method by which to improve the system to avoid such issues arising in the future. The Commission agreed that a revision to CM 10-10 was required to avoid the difficulties faced this year in implementing the CCEP.

3.27 Russia stated that cases of non-compliance with CMs 23-07 and 41-08, included in the CCAMLR Compliance Report for 2017 and the related discrepancies in data on toothfish catches submitted to the CCAMLR Secretariat, could possibly be assessed against CM 10-06, paragraph 5(ii).

3.28 Russia noted that specific cases of non-compliance related to CM 41-01 in respect of toothfish tagging included in the CCAMLR Compliance Report for 2017 merited close attention by the Commission, including with advice from the Scientific Committee (Annex 6, paragraphs 177 to 179).

3.29 Australia noted it had already provided extensive information about the issue identified in the Summary CCAMLR Compliance Report (CCAMLR-XXXVI/09), including providing a detailed written account of the issue during the meeting, to aid delegations' understanding. Australia reiterated that the information clearly showed there was no question about the vessel's compliance with all relevant obligations. Australia recalled that CM 10-06 relates to compliance

by vessels, and therefore there was no link between CM 10-06 and the issue identified in the Summary CCAMLR Compliance Report. Australia recalled that it, and many other Members, had noted the issue constituted nothing other than an administrative error by Australia, which had been fully rectified and explained.

3.30 The EU made the following statement:

‘The EU would like to express its serious concern about the adoption process of the CCEP at CCAMLR-XXXVI. For the first time since the approval of the CCEP in 2012, SCIC was unable to agree on the full Compliance Report. The discussions prolonged for several days of CCAMLR-XXXVI before consensus could be reached. This is unprecedented. CCAMLR has an obligation to agree on a Compliance Report.

Consensus is at the very basis of CCAMLR and it is the essential premise for the effective functioning of the organisation but it should not be misused. No matter how strongly CCAMLR Members have felt about their compliance status in the past, CCAMLR has always managed to adopt the Compliance Report.

Furthermore, the matter under disagreement concerned an administrative minor issue. Its discussion should not have taken more than a couple of minutes. Still, this matter managed to occupy most of the time of not only SCIC-17 but CCAMLR-XXXVI, leaving far more important matters unattended. The requirements of paragraph 5 of CM 10-04 are clear in outlining the prompt submission of information. In addition to that, the final Compliance Report does not accurately reflect the discussions that took place, nor the usual procedure of CM 10-10 that was followed.

The CCEP is not intended to be a mechanism to single out potentially non-compliant Members. Far from it, its purpose is to assist CCAMLR Members and the Commission in the implementation of the CCAMLR provisions, to identify areas of improvement and to propose solutions. And, as such, it has been functioning properly until today. The Compliance Report is the visible record of how we had collectively agreed to address compliance issues: in a constructive way.

We are very concerned. The process how the Compliance Report was adopted this year must not create a precedent by which any CCAMLR Member could prevent the entire CCEP from being effectively implemented. We invite CCAMLR Members to re-join the Antarctic spirit.’

3.31 The USA made the following statement:

‘The USA wishes to express its strong concern with how work on compliance proceeded at this year’s meeting. As other delegations have noted, the purpose of the CCEP is to provide a transparent and even-handed way of evaluating adherence to CCAMLR conservation measures as well as, more importantly, Members’ responsive actions. All of this is done not for the purpose of criticising any particular Member, but rather with an eye toward improving implementation and compliance by all Members, including by improving the conservation measures themselves. In our view, while admittedly imperfect, the CCEP has been very successful in this regard. Coming into this meeting, we were pleased to see that there were a relatively small number of compliance issues to be discussed and that, for most issues, the Summary CCAMLR Compliance Report

included self-assessments from the relevant Member accepting a non-compliant status with respect to the issues raised and reflecting appropriate corrective actions taken. On this basis, we anticipated that the discussion in SCIC would be completed quickly and without serious issues of disagreement so that we might focus our collective attention on larger issues. Unfortunately, China did not demonstrate the cooperation that has been the norm in SCIC. Despite the best efforts of the Chair and other Members, its actions led us to a most unfortunate result, namely that for the first time since implementation of the CCEP, SCIC was unable to adopt either a Provisional CCAMLR Compliance Report or a detailed report of its deliberations.

We were with much effort able to adopt a Compliance Report in the Commission, but we do not have a meeting report that reflects the deliberations that were had or the decisions that were made in SCIC. This is not only an unfortunate misuse of time and effort but is also a move away from the transparency the CCEP is intended to promote. For example, on the basis of further information provided by the Republic of Korea last week, SCIC decided that the data from the *Hong Jin No. 707*, and some of the data from the *Hong Jin No. 701*, should be quarantined. Because SCIC failed in its work, neither this decision, nor the basis for it, is captured anywhere. Thus, the work of the meeting was disrupted and this result is a major problem for CCAMLR and for fisheries compliance issues generally. We do not see either the process or result of this year's CCEP as precedent for future years and we hope and expect that next year all Members will come to Hobart ready to work in good faith and that SCIC will be able to complete its work.'

3.32 The Republic of Korea noted that SCIC had agreed to flag the reconciled data from the *Hong Jin No. 707* from 2014 and the *Hong Jin No. 701* data from 2014 and 2015 as unsuitable for analysis. Korea agreed that the issue regarding the data from the *Hong Jin No. 707* was sufficiently addressed at CCAMLR-XXXV and that the data be quarantined. Korea noted, however, that the discrepancy for the data from the *Hong Jin No. 701* for 2015 falls within the margin of less than 5% and this particular data should not be flagged unsuitable for analysis.

3.33 France made the following statement:

'The French Delegation supports the various points highlighted by the EU Delegation. We would like to emphasise that the provisions of paragraph 5 of CM 10-04 are clear, and ask States to promptly provide the Secretariat with details of the authorities of their fisheries monitoring centres. This is a minor administrative oversight which has no practical consequences and the French Delegation readily accepts being found to be non-compliant. France also considers that respect for consensus is fundamental to CCAMLR's work and objectives.'

3.34 Argentina made the following statement:

'Argentina shares the concern over the developments in some instances of the present meeting, particularly regarding the question of implementation and compliance.

Argentina considers it unfortunate that consensus could not be reached at SCIC to provide a compliance report to the Commission, nor a record of the extensive deliberations which took place, and understands that this can in no way be considered as a precedent of the work of the Commission or its Committees.



We understand that negotiation in good faith to which we are all committed includes the adequate use of our time, which in the opinion of this delegation, did not occur during several instances of the present meeting.

We encourage all Members to continue working in the constructive and cooperative spirit which characterises Antarctic Treaty fora and to make the best efforts to avoid these situations in the future.'

3.35 The UK made the following statement:

'The UK fully supports the interventions by the EU, US, France and Argentina who have spoken before us and in line with a number of other Members with whom we share concerns about the CCEP this year. We particularly share the concerns expressed about the length of time this matter occupied during our two weeks in Hobart, and that this was to the detriment of what were, at least in our view, higher-priority matters.'

3.36 New Zealand made the following statement:

'New Zealand too is disappointed that SCIC was prevented from adopting a Preliminary Compliance Report this year, and that the Commission was unable to assign a status to all items in the final Compliance Report. New Zealand does not regard this outcome as setting a precedent for the future. Our time this year on the CCEP was dominated by the status to be assigned to a single case. This was to the detriment of a substantive and constructive discussion of compliance issues and the actions Members had taken to address them. We are disappointed it took us so many hours to get to the point where the need to enter into a compromise was recognised and that it was only yesterday that reciprocal flexibility was demonstrated such that we could start to build consensus. This reciprocal willingness to find consensus is the heart of the way we work as a Commission and is what gives CCAMLR its strength. The adoption of the Compliance Report is extremely important for my delegation. The report adopted includes the results of New Zealand's Southern Ocean inspections; it reflects a lot of constructive work we have engaged in with other Members on several cases and it reflects work with our own industry in respect of one item for which a non-compliance status was assigned. We wish to avoid the situation in future where the rules adopted by the Commission become the subject of discussion and amendment at the same time as we are seeking to apply them to individual cases. New Zealand sincerely hopes that at next year's meeting our time can be spent on a substantive discussion of compliance issues, in accordance with CM 10-10 in support of the integrity of CCAMLR's regulatory framework.'

3.37 Norway made the following statement:

'Norway aligns itself with the views expressed by the EU, the USA, France, Argentina, the UK and New Zealand. We agree that the CCEP is an essential part of CCAMLR's work.

We regret that SCIC, despite the best efforts of the Chair, was unable to reach consensus on the full Compliance Report. CCAMLR has over the years devoted a substantial amount of time and effort to develop a robust CCEP.

Norway, as a major fishing nation in CCAMLR, views the Compliance Report as an important tool to improve overall compliance and adherence to CCAMLR's conservation measures, for both industry and national fisheries authorities. We do not see the Compliance Report as a black list of vessels or Flag States. Rather, it is a tool for learning and discussing how to achieve the highest degree of compliance with the full suite of CCAMLR rules and regulations.

We agree that the process for how the compliance report was adopted this year must not create a precedent by which any CCAMLR Member could prevent the entire CCEP achieving its purpose.'

3.38 Australia made the following statement:

'Australia is extremely disappointed that consensus could not be reached on the compliance status to be applied in respect of the compliance issue identified for China on paragraph 5 of CM 10-04, which resulted in SCIC – for the first time – being unable to agree a Provisional Compliance Report. It was clear for all Members, except China, that the issue identified was a clear instance of non-compliance.

As we have said repeatedly this week and last, we consider compliance evaluation as a means of assisting one another to meet the high standard we set for ourselves as CCAMLR Members. We and the vast majority of our colleagues, as always, came to this meeting expecting a positive discussion about how to improve implementation and compliance with CCAMLR obligations. And most of us maintained this focus, with exceptional efforts made by the SCIC Chair and enormous creativity and constructiveness shown by most Members, consistent with our shared commitment to consensus.

We do not think the CCEP is intended for, or is effective when, we focus unduly on the attribution of statuses. So, we are very disappointed that the approach taken by one Member forced the discussion away from the overarching objective of generating a positive and constructive discussion about improving Members' implementation of obligations and exercise of control over their vessels, and into a discussion focused on statuses and black marks. And in fact, we think the outcome does clearly represent a black mark, irrespective of what is reflected in the compliance report.

We are also disappointed at the extent to which this relatively trivial matter distracted from the Commission's actual work, and regret the impact this may have on CCAMLR's good standing.

We know CCAMLR can do better than this.

It is clear to us that this year has undermined the purpose of the CCEP. While we take some comfort that a final Compliance Report was able to be agreed, this process has been highly dissatisfactory and we take this opportunity to state that we will not accept the outcomes of this year's discussions establishing any precedents for future processes.

Given the difficulties experienced in the application of CM 10-10 at this meeting, Australia is committed to a review of CM 10-10 to strengthen its application as was called for by the Performance Review Panel, and we consider this should be focused on how to re-establish a positive compliance culture within CCAMLR.'

3.39 Belgium made the following statement:

‘Belgium fully supports the statement just made by the EU. Compliance is one of the cornerstones of this organisation. In order to achieve its goals, we need to implement and control the conservation measures and decisions we have taken. The Compliance Report is an essential tool for this.

Constructive cooperation is another essential cornerstone of this organisation. We would like to urge all Member States to continue to work on this basis in order to achieve the goals of CCAMLR.’

3.40 Chile made the following statement:

‘Chile would like to echo the comments raised by previous delegations in the sense that the CCEP needs improvements, as well as the commitment from all CCAMLR delegations to use it as what it was meant for, ensure compliance by its Members and improve our capacities to promote the objectives of the Convention. Chile is disappointed with not being able to adopt consensus and is committed to work intersessionally to improve CM 10-10, in order to improve the CCEP and avoid these situations in the future.’

3.41 ASOC made the following statement:

‘ASOC expressed appreciation for the excellent leadership of the SCIC Chair during the challenging discussions on this issue. ASOC was dismayed that SCIC could not agree a Compliance Report for the first time since the CCEP was implemented. ASOC reiterated that the role of effective implementation of compliance procedures as being vital to CCAMLR’s work and for how CCAMLR is viewed externally, and that CCAMLR could not meet its conservation objectives without adherence to conservation measures. In previous years, the compliance procedure had been a constructive process to enable sharing of experiences and a collective means to find ways forward to address repeated and serious violations. ASOC noted its expectation that CCAMLR Members would work in good faith to repair what happened this year so that it would not happen again.’

3.42 China made the following statement:

‘China is in no position to accept the content in the above statements that criticises China. The criticisms are groundless in law and fact and seem emotional. We feel deeply regretful to and disappointed with these criticisms.

During the consideration of the Summary Compliance Report within SCIC this year, the views and actions of some Members are inconsistent with the rules and spirits of relevant CCAMLR conservation measures, and go against the correct direction.

Firstly, some Members’ criticisms on China’s non-compliance have no legal basis. Some delegations alleged that, China’s delayed submission of its fisheries monitoring centre (FMC) contact information violated the obligation under CM 10-04, paragraph 5. This allegation is totally groundless. Paragraph 5 provides that “Each Flag State shall provide the Secretariat with the name, address, email, telephone and facsimile number of the relevant authorities of its FMC.....”. Obviously, this paragraph does not set time limits for Flag States to provide their FMC contact information. This can also be proved

from the fact that some Members suggested during the discussions that a requirement on time limit be added to CM 10-04, paragraph 5. Article 31 of the Vienna Convention on the Law of Treaties provides that “A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose”. This article reflects a general rule to interpret international law. Based on this rule and taken into account the fact that China provided relevant information as required after its communication with the CCAMLR Secretariat, it can be drawn that some Members’ assertion of China’s submission of relevant information is totally wrong. Given the fact that CM 10-04, paragraph 5, does not specify a time limit, these Members’ above assertion is self-regulation and arbitrary modification of rules rather than interpretation and application of rules in good faith.

Secondly, some Members’ non-differentiation of severity of non-compliance cases has violated the regulation under relevant conservation measures. According to CM 10-10, paragraph 3(iii), non-compliant cases should be classified based on the degree of their severity, into certain categories, namely, “minor non-compliant” status and “severe, frequently or persistent non-compliant” status. However, some Members took the view that relevant cases be generally classified as non-compliance without differentiating their severity. Indeed, this view modifies *de facto* the regulation under CM 10-10. We are aware that Australia in its statement strongly criticises China. But if we look at the Australian case included in the Compliance Report, it is not difficult for us to identify that there is an issue of underreported catch data on toothfish that is as many as 37 tonnes. Obviously, this is a serious non-compliance. Surprisingly, some Members even contended that this violation be generally treated as non-compliance without identifying its severity and Australia does not need to take any action, which is clearly illegal and unreasonable.

Thirdly, some Members’ consideration of relevant cases under the summary compliance report focuses on minor issues but ignores key matters, which deviates from the principle of fairness and justice. The Chinese issue is related to the submission of its FMC contact information, which belongs to administrative matters, and does not involve fishing harvest itself or IUU fishing. Moreover, no barrier exists in the Secretariat’s receiving the data on VMS sent by the Chinese side. Unlike the Chinese case, the Australian case is so serious that it has significantly impaired the conservation of marine living resources and has significantly prevented the accomplishment of the objectives of the Convention. Within SCIC, some Members spent substantial time discussing about the minor and controversial cases like the Chinese case, but dealt with undisputed serious cases like the Australian case in a vague and ignorable manner. Obviously, the double standards have departed from the original objective, purpose and spirit of the CCEP when it was established.

Last but not the least, we would like to highlight that the reason why SCIC did not reach consensus on the Provisional Compliance Report lies in the fact that some Members adopted double standards on the application of rules and imposed pressure on China unreasonably. China does not bear any responsibility on this outcome. China’s positions aim to protect its legitimate rights and interests and maintain the authority of the CAMLR Convention and the conservation measures, which are legal, reasonable and appropriate.

The effective implementation of the CAMLR Convention is concerned with the common interests of all parties and relies on their joint efforts. As a responsible State, China will continue to commit itself to the protection and rational use of Antarctic marine living resources under the legal framework, and will continue to stand ready to work with all parties to maintain the authority of the CAMLR Convention and endeavour to achieve its purpose in a constructive manner.’

3.43 South Africa made the following statement:

‘The South African Delegation wishes to add its disappointment and concerns regarding the manner in which the CCEP report has been dealt with at SCIC last week, this week in the Commission, as well as during the Heads of Delegations (HoDs) meetings. We have always held a view that CCAMLR is an objective organisation, as well as progressive not to mention an innovative history. Needless to mention that this organisation is well respected among the multilateral platforms. This, to the South African Delegation, is because of the manner in which the organisation has been conducting its business over the years. As a result, it has been aspired and modelled around the world. However, in the recent years, especially CCAMLR-XXXVI, South Africa noted an emerging trend which we consider to be foreign and not in line with principles on which CCAMLR was founded.

The South African Delegation view the manner in which the CCEP report is handled as devoid of objectivity and against the long-standing CCAMLR objectives. There is a clear need to improve and strengthen the CCEP as it creates a lot of uncertainty and is subject to different interpretations. Furthermore, it is obvious that there is a need to improve the whole CCEP in order to address the gaps and/or loopholes already identified. South Africa believes that Contracting Parties could have done better in addressing the problem at hand instead of focussing on assigning defective criteria as laid out in the CCEP. The South African Delegation stated in numerous occasions, i.e. during SCIC, and a number of HoDs meetings, that the real problem is the interpretation and implementation of CM 10-04, paragraph 5, not what is alleged to be the non-compliance of China as some delegations believe. Members were encouraged by the South African Delegation to focus on finding solutions to the real problem, i.e. CM 10-04, paragraph 5, instead of blaming China and be resolute on meting out punitive measures. This to our view is the main objective of some Members, rather than progressive interventions that are about upholding the objectives of CCAMLR. Chairperson, in light of the current scenario, the South African Delegation proposes that the CCEP Report be amended such that it does not reflect the compliance statuses assigned to any Party and be reconsidered for adoption. Furthermore, that a small working group be assigned to improve identified areas of concern in the CCEP intersessionally and amendments be adopted remotely. Lastly, that the Commission undertakes a serious introspection in how we conduct our meetings so that we can all curb the divisive nature of the current conduct of some Members. All Members are equal around the table, and there should be mutual respect that should be displayed at all times.’

3.44 Russia made the following statement:

‘We find it also necessary to stress that in the first place the substance of the compliance issue under consideration is to be considered. We have already made our position clear

with regard to the case of China. It seems that this discussion should not have consumed so much time, especially after it had been finalised. In this respect, we would like to remark that it seemed that the situation had been successfully resolved to the satisfaction of all of the Members involved.’

3.45 Australia rejected the assertions made and referred to the information previously provided, as reflected in paragraph 3.29.

3.46 Many Members rejected elements of the statement presented by China on the CCEP issue. In particular, many Members rejected the allegations of IUU fishing in respect of the Australian vessel and were satisfied with the manner in which Australia addressed the compliance issue raised in respect of its vessel. These Members rejected the allegation that SCIC had applied double standards in the way it had dealt with compliance issues.

3.47 Ukraine made the following statement:

‘The Delegation of Ukraine would like to state that it respects the views of all Members of the Commission without exception. For us, the position taken by any CCAMLR Member is of equal value and must be taken into account alongside the positions of other Parties. In taking its decisions, the Commission is driven by the achievement of consensus on all problematic issues. In essence, there are only two statuses of problem resolution: consensus and a lack thereof. Therefore, affirming our strong commitment to the spirit of cooperation and the determination of all Parties to reach compromises to achieve consensus, we would like to emphasise that we have both the strength and the opportunity to try to understand what circumstances are not, in part or in full, contributing to reaching agreement, and to do everything we possibly can to achieve clarity in the CCAMLR rules in order to create better conditions for consensus in the long term.’

3.48 China made the following statement:

‘China stressed that the comments and explanations made by some Members are not acceptable at all.

The Commission is like a big family. It is infeasible to address a problem through imposing forced pressure on a Member. This approach will not only undermine the mutual trust and collaboration between Members, but also impair the authority and reputation of CCAMLR. We are convinced that it is not in the interest of all CCAMLR Members.

We sincerely hope that relevant Members change their wrong positions and come back to the right path towards mutual respect and win-win cooperation.’

#### Conservation Measure 10-10

3.49 The Commission agreed to amend CM 10-10 to clarify the CCEP process, the terminology used in CM 10-10 and to include the compliance status non-compliant. Many Members highlighted that these minor changes were necessary to avoid the frustrations faced at SCIC this year and would provide a better foundation for SCIC’s evaluation of compliance at CCAMLR-XXXVII.

3.50 China suggested that the System of Inspection be included in CM 10-10, paragraph 1(i), for evaluation by the Secretariat in compiling Member's Draft CCAMLR Compliance Reports. Many Members highlighted that this was a substantive matter that required further careful consideration during the intersessional period and at CCAMLR-XXXVII. The Commission welcomed the EU's offer to lead intersessional discussions in partnership with China regarding CM 10-10.

#### NCP-IUU Vessel List

3.51 The Commission considered the Proposed NCP-IUU Vessel List for 2017/18 agreed by SCIC (Annex 6, paragraphs 164 to 171 and Appendix III). The Commission noted that there were no new vessels to be included in the NCP-IUU Vessel List for 2017/18.

3.52 The Commission noted that SCIC had recommended that the IUU-listed vessels *Seabull 22* and *Tchaw* be removed from the NCP-IUU Vessel List on the basis that both vessels have been scrapped (Annex 6, paragraphs 167 and 169). The Commission agreed to remove the *Seabull 22* and *Tchaw* from the NCP-IUU Vessel List.

3.53 The Commission further noted that SCIC had considered information for the possible removal of the IUU-listed vessels *Koosha 4* and *Northern Warrior* (Annex 6, paragraphs 165 and 167) and that SCIC had recommended that both vessels remain on the NCP-IUU Vessel List for 2017/18. The Commission agreed that additional information was required from the Islamic Republic of Iran in respect of the *Koosha 4* and that Spain was continuing its investigation into the Spanish company that had rented the *Koosha 4* during the time it had been sighted in the Convention Area.

3.54 The Commission noted that Angola had provided documents to request the removal of the *Northern Warrior* from the NCP-IUU Vessel List. Spain reported that, according to the official information collected to date, there were no links to the previous owner or involvement in IUU fishing activities. The Commission agreed that it required further information before it could remove the vessel from the NCP-IUU Vessel List, including by establishing that the previous owner does not have any legal, financial, or real interests in the vessel.

3.55 The Commission further noted that the information provided by Angola, including the new ownership, should be included in the information recorded against the vessel in the NCP-IUU Vessel List following past practice.

3.56 The Commission adopted the [NCP-IUU Vessel List](#) for 2017/18.

#### Current level of IUU fishing

3.57 The Commission noted that no vessels included on the NCP-IUU Vessel List were reported as sighted by Members inside the Convention Area in 2016/17. The Commission noted that the IUU-listed vessel *Sea Breeze* (*Andrey Dolgov*) had been sighted by Australia on 6 April 2017, north of Cocos Keeling Islands in FAO Area 57. The Commission recalled that considerable action had been taken against IUU-listed vessels since 2015 and would likely account for the lack of sightings of these vessels in the Convention Area in 2016/17 (Annex 6, paragraphs 142 and 143).

3.58 The Commission noted the spatial and temporal distribution of IUU activity in the Convention Area for 2016/17 that included information regarding four gillnet recoveries in Subarea 48.6 and Divisions 58.4.1 and 58.5.2 (Annex 6, paragraphs 146 to 150 and Figure 1).

3.59 The Commission noted the unprecedented data that had been provided by Spain and made available by the Secretariat (CCAMLR-XXXVI/28 Rev. 2) regarding the fishing activities in Division 58.4.1 of the IUU-listed vessels *Asian Warrior* (*Kunlun*), *Zemour 2* (*Yongding*) and *Zemour 1* (*Songhua*) (Annex 6, paragraphs 151 to 154). The Commission noted the advice of the Scientific Committee that Australia and the Secretariat would coordinate the analysis of this data and that this analysis would include any other data that becomes available.

3.60 The USA recognised the recent success in taking action against vessels on the NCP-IUU Vessel List and credited international cooperation and the efforts of many Members to interdict IUU-listed vessels and to take appropriate action to prevent these vessels from further engaging in, or profiting from, IUU fishing in the Convention Area. The USA noted that the IUU-listed fishing vessel *Ayda* (formerly known as the *Andrey Dolgov* and *Sea Breeze*) has been the subject of intense international attention, including from Members' law enforcement agencies. The USA noted its continued work with international organisations, such as INTERPOL, as well as cooperation with Australia, the Republic of Korea and New Zealand, on gathering intelligence on the *Ayda*'s activities and background such as beneficial ownership. The USA also noted that authorities in China have recently joined the effort to obtain information on the activities of this vessel and expressed interest in hearing the results of Chinese efforts.

#### Fishery notifications

3.61 The Commission noted that SCIC had considered fishery notifications submitted by Members in accordance with CMs 21-02 and 21-03 for exploratory toothfish fisheries and established krill fisheries for 2017/18. All fishery notifications were submitted by the deadline of 1 June 2017, and notification fees were paid by the deadline of 1 July 2017.

3.62 The UK recalled its statement in respect of the Ukrainian-flagged vessel *Marigolds* (Annex 6, paragraph 98).

3.63 The Commission noted that for three vessels, the Korean-flagged vessel *Southern Ocean* (SC-CAMLR-XXXVI/BG/36), the French-flagged vessel *Mascareignes III* (SC-CAMLR-XXXVI/BG/39) and the Ukrainian-flagged vessel *Calipso* (SC-CAMLR-XXXVI/BG/37), preliminary assessments of the potential for proposed bottom fishing activities to have significant adverse impacts on vulnerable marine ecosystems (VMEs), as required by CM 22-06, paragraph 7(i), were late. The Commission noted that in all three cases Members had submitted their fishery notifications and fees by the due dates and that only the preliminary assessments were outstanding in each case.

3.64 France noted that notification and payments relating to the *Mascareignes III* had been sent by the due dates and that no negative feedback had been received from the Secretariat. France advised that a prior notification and analysis had been provided for previous years in relation to a different vessel but covering the same zone with the same gear, fishing in the same way, and France did not believe at the time that a new notification was required. France noted it had subsequently provided new analysis with the name of the new vessel, and regretted it was



done in a cursory manner. France noted it had tried to give necessary explanations to questions and had responded to requests for further information by the Scientific Committee. France suggested that CMs 21-02 and 22-06 may require clarification and noted that such amendments had received support from other Members. France committed to respect in the future the applicable deadlines for submissions of preliminary assessments in CM 22-06.

3.65 The Republic of Korea noted that the vessel *Southern Ocean* intends to undertake scientific research and exploratory fishing during the 2017/18 season and had submitted its notification and notification fee by the required deadlines. Korea noted that the preliminary assessment was sent to the Korean government on 24 May 2017 and due to an oversight, the preliminary assessment was submitted to the Secretariat late. Korea acknowledged that government oversight is not a valid excuse for not meeting required deadlines and will make sure preliminary assessments and other required documents are submitted by required deadlines.

3.66 Ukraine noted for the case of the *Calipso*, that the original preliminary assessment had identified the gear type as Spanish longline and then changed the gear type to trotline. Ukraine noted that after discussions with Members, the *Calipso* will use the gear type Spanish longline, the gear that was described in the fishery notification for the vessel.

3.67 The USA recalled important previous discussions in SCIC on the issue of notifications, and expressed concern about the serious problem and impact of late submissions of preliminary assessments of bottom fishing activities. The USA noted that the Scientific Committee had agreed to develop processes for better utilising preliminary assessments in the future (SC-CAMLR-XXXVI, paragraphs 5.2 and 5.3). The USA also recalled previous discussions in this regard concerning amendments to CMs 21-01 and 21-02, and expressed support for France's proposal to amend CMs 21-02 and 22-06. Russia noted that conservation measures were clear on deadlines and that new conservation measures do not remove the responsibility of complying with current ones. Russia further recalled that, as noted by SCIC, compliance issues should be considered in accordance with approved conservation measures only. The Commission agreed to amend CM 22-06.

3.68 The Commission noted that the Scientific Committee had not reviewed preliminary assessments since 2012, following agreement by the Scientific Committee that the potential for bottom fisheries to cause significant adverse impacts to VMEs could be evaluated using available fishing data, and, therefore, it did not require information on the proposed effort (SC-CAMLR-XXXI, paragraph 5.13).

3.69 The Commission noted that neither the Scientific Committee nor WG-FSA had reviewed Members' preliminary assessments for the 2017/18 fishing season and that the Scientific Committee had suggested that the processes to review and comment on preliminary bottom fishing should be improved and automated where possible (SC-CAMLR-XXXVI, paragraph 5.3).

3.70 The Commission agreed that preliminary bottom fishing assessments are still valuable and supported the Scientific Committee's suggestion that the requirement for preliminary bottom fishing assessments be reviewed by WG-FSA to either improve upon the current requirement, or, alternatively, to develop a more effective method to assess risk to VMEs by vessels entering a fishery.

3.71 Following the consideration of CM 22-06, the fishery notifications for the *Southern Ocean*, the *Mascareignes III* and the *Calipso* were accepted by the Commission.

3.72 New Zealand expressed its concern about the increased number of vessels notified for fishing in Subareas 88.1 and 88.2 with 25 vessels notified for 2017/18 and recalled that at CCAMLR-XXXV, a call for restraint had been made. New Zealand expressed concern that capacity increases may impact on the Ross Sea ecosystem and the safety of vessels operating in the region. The UK expressed support for New Zealand's intervention and noted that further discussion of safety issues associated with vessel crowding was important. Australia also expressed support for New Zealand's intervention and noted that capacity management needs to be considered by the Commission in a step-wise manner. Australia further noted that the Commission's previous work on capacity management is a starting point for these discussions. Russia noted that under CCAMLR regulatory measures, a total catch limit was set to address issues of overcapacity and that proposals to restrict vessel access could be considered excessive.

3.73 The Republic of Korea thanked Members for their consideration of this matter and for their endorsement of the fishery notification and Korea's authorisation of the *Southern Ocean* to conduct the research and exploratory fishing, and Korea committed itself to the fulfillment of all required timeframes in the future.

## **Administration and Finance**

4.1 The Chair of the Commission invited the Interim Chair of SCAF, Dr Jones, to present the report of SCAF (Annex 7). On behalf of the Commission, he thanked the USA for releasing Dr Jones for this role at short notice.

4.2 The Chair of SCAF reported that SCAF had noted the Implementation Report for the Secretariat's Strategic Plan and companion documents. The Committee complimented the Secretariat on the work undertaken during the last intersessional period in support of the Commission and Scientific Committee (Annex 7, paragraphs 4 and 5).

4.3 The Chair of SCAF reported that the Executive Secretary had summarised the process and outcomes of a restructure of Secretariat data and information functions and responsibilities that had been undertaken during 2017 (Annex 7, paragraphs 6 to 12).

4.4 In relation to the scheduled review of the Secretariat's Strategic Plan (Annex 7, paragraph 8), the UK noted that the new Executive Secretary would not take up the post until April 2018 and it might be necessary for an interim report to be prepared for CCAMLR-XXXVII and a full plan to be finalised in the following year.

4.5 The Chair of SCAF reported on the considerable amount of work undertaken by the Intersessional Correspondence Group on Sustainable Financing (ICG-SF) during the last intersessional period (Annex 7, paragraphs 13 to 27). This included initial consideration of a review of the assessed contributions formula, further review of options for reducing costs and diversifying revenue for the Commission, considerations associated with the establishment of a Working Capital Fund (WCF) and an assessment of the implications for providing Commission funding to financially support conveners of working groups.

4.6 The Chair of SCAF reported that SCAF has agreed in principle to establish a WCF. Additional work was proposed for the next intersessional period to further elaborate the purpose and administrative guidelines that would be associated with such a Fund and its relationship to the existing Contingency Fund.

4.7 The Chair of SCAF reported that SCAF had recommended that the ICG-SF continue its work in the next intersessional period, again utilising the e-group, to consider:

- (i) issues associated with the purpose and operations of a WCF, noting SCAF had endorsed, in principle, its establishment
- (ii) funding of conveners to working group meetings
- (iii) options to reduce costs and evaluate alternative revenue generation options
- (iv) another review of the Special Funds, particularly those that had been dormant for a significant period
- (v) the assessed contribution formula as a matter for future work.

4.8 In relation to the matter of funding conveners to attend the meetings of the Scientific Committee working groups, and noting the difficulty associated with identifying a Chair for SCAF this year, Argentina proposed that the ICG-SF also examine options for providing funding for conveners or chairs of other subsidiary bodies of the Commission, such as SCIC and SCAF. Argentina considered this could facilitate greater participation of smaller delegations as chairs.

4.9 The USA also proposed that future work of the ICG-SF include consideration of the establishment of a position for a dedicated member of the Secretariat staff to work on MPA-related issues.

4.10 The Chair of SCAF advised that SCAF had accepted the revised budget for 2017 (Annex 7, paragraph 28) and recommended a budget for the Commission for 2018 with an associated schedule of assessed contributions for Members (Annex 7, paragraphs 30 to 35). The 2018 budget included funding to support an independent review of CASAL assessments (A\$53 000), requested by the Scientific Committee, and subsequent closure of the Science Multi-Year Fund. It also included further support for toothfish trade data analysis approved by the CDS Fund Panel of A\$154 000 over two years starting in 2018. The Chair of SCAF noted that the budget for 2018, and an indicative budget for 2019, were subject to final approval by the Commission under Agenda Item 11. He reported that Belgium and Germany had noted that their domestic policy is that the budget of international organisations be zero nominal growth.

4.11 Belgium noted that, while it accepted the 2.5% increase in assessed contributions contained in the 2018 budget, this was an exceptional circumstance and did not constitute a precedent for budgets after 2018. Belgium reiterated its policy of zero nominal growth in relation to contributions to international organisations, including CCAMLR. In advising of this, Belgium expressed its support for the ICG-SF, particularly with its work on sustainable financing and the further work proposed in relation to the possible review of the assessed contributions formula.

4.12 The Chair of SCAF reported that SCAF had raised numerous questions in relation to the CCAMLR Antarctic Large Marine Ecosystem (ALME) project, proposed by Chile, India, Namibia, South Africa and Ukraine, for funding support under the Global Environment Facility (GEF) (Annex 7, paragraphs 37 to 42). The Commission confirmed its support for capacity building, particularly for the purposes of furthering the work of the Commission and supported a proposal that capacity building be added as a standing item on the SCAF agenda.

4.13 The Chair noted that SCAF had raised many questions on the proposal and, in particular, requested information in relation to five issues. These were:

- (i) the proposed schedule for the drafting of the Project Document, and opportunities for CCAMLR Members to review the Project Document prior to finalisation in August 2018 so that it may be formally submitted to the GEF in October 2018
- (ii) the role of the Secretariat in administering the pre-proposal funding, and the financial and resource implications for the Secretariat for the pre-proposal period and the duration of the project itself
- (iii) the roles and implications for the Scientific Committee, the Commission and other CCAMLR Members (in particular the requirement for in-kind contributions)
- (iv) the institutional implications for the Antarctic Treaty System
- (v) the implications for relationships between the Commission, the United Nations Development Programme (UNDP), GEF and other international organisations.

4.14 The Commission, while endorsing the objective of supporting capacity building among CCAMLR Members, which would contribute to the strengthening of CCAMLR objectives, raised several concerns. This included a request for clarity regarding the potential implications for preserving the independence of both CCAMLR and the Antarctic Treaty System and the anticipated role of UNDP in scientific, policy and administrative aspects of the proposal.

4.15 Many Members considered that there was a lack of clarity over the decision-making processes and the relationship between the project and the Commission, and asked if Commission consensus would be required for the activities to be supported under the project. Many Members noted that it is the Commission, with the advice of the Scientific Committee, that sets the priorities and goals for CCAMLR in accordance with the objective of the Convention, and not any external body.

4.16 Proponent countries reassured the Commission that the GEF processes were subordinate to the decisions and processes of the Commission and Scientific Committee and that reporting on project activities would be presented to the Commission, the Scientific Committee and its working groups each year for review and input.

4.17 Ukraine explained that the Commission was the primary filter and mechanism to guide the GEF project, and that the capacity-building activities proposed for support are in the interests of the Commission and its Members, as a whole. Chile, South Africa and Ukraine emphasised that the project is a high priority for them as a critical means to support their efforts to strengthen their capacity to engage in CCAMLR.

4.18 Members requested more information relating to the project, particularly in respect of the questions raised in Annex 7, paragraph 38. Several small group meetings were arranged in the margins of CCAMLR-XXXVI to further discuss concerns raised by some delegations. The outcomes of those discussions are reported under Agenda Item 12.

4.19 SCAF's consideration of relevant recommendations from the Second Performance Review is reported under Agenda Item 9.

4.20 In closing, the Chair of SCAF noted that SCAF had welcomed advice that arrangements for an extension to the current lease for the CCAMLR Headquarters had been finalised (Annex 7, paragraph 43). The Chair, on behalf of the Commission, thanked the Australian federal and Tasmanian state governments for their efforts in this regard.

4.21 The Chair noted that SCAF still has no Chair for its 2018 meeting. He invited Members to give this matter detailed consideration intersessionally.

## **Report of the Scientific Committee**

5.1 The Scientific Committee Chair, Dr Belchier, presented the report of the Scientific Committee (SC-CAMLR-XXXVI). He thanked all Members who had participated in the deliberations of the Scientific Committee and its expert working groups, particularly those Members that had hosted working group meetings.

5.2 The Commission noted the Scientific Committee's advice, recommendations and identification of research and data requirements, and thanked the Chair and the many scientists who had contributed to positive outcomes of the meeting. The Commission also thanked Dr Belchier and congratulated him on his chairing of the Scientific Committee for his second year.

## **Harvested species**

### **Krill resources**

5.3 The Commission considered the deliberations of the Scientific Committee on krill resources and noted that in the current fishing season, up to 19 September 2017, the total catch of krill reported in catch and effort reports for Subareas 48.1, 48.2 and 48.3 was 237 342 tonnes of which 149 334 tonnes were taken from Subarea 48.1; Subarea 48.1 was closed on 10 July 2017.

5.4 The Commission noted that fishing for krill had occurred in Subarea 58.4 for the first time since 1996; China reported a catch of 9 tonnes of krill taken in Division 58.4.1 and 504 tonnes taken in Division 58.4.2. The Commission noted that this represents a change in fishery distribution compared to the past two decades, where krill fishing has exclusively occurred in Area 48, and further noted that catches taken in Area 48 in the 2016/17 season were lower than in the previous year.

5.5 The Commission noted that notifications for the krill fisheries in 2017/18 included notifications from five Members and a total of 13 vessels for krill fisheries in Subareas 48.1 (13 vessels), 48.2 (13 vessels), 48.3 (11 vessels) and 48.4 (8 vessels) and Divisions 58.4.1 (3 vessels) and 58.4.2 (3 vessels).

5.6 The Commission considered the discussions at the Scientific Committee (SC-CAMLR-XXXVI, paragraphs 3.6 to 3.9) and SCIC (Annex 6, paragraphs 186 and 187) on catch reporting for vessels using the continuous fishing system and noted the difficulty in identifying if the vessels were compliant with CMs 21-03 and 23-06. It was noted that Norway had developed a work plan to address this issue and improve the accuracy of reporting from continuous fishing operations with a report to be submitted to WG-EMM-18.

5.7 The Commission noted that, due to logistical difficulties, trials using net monitoring cables had not been completed by Norway this past season. The Commission endorsed the recommendations of WG-EMM (SC-CAMLR-XXXVI, Annex 6, paragraphs 3.4 and 3.6) that the trials be continued under the conditions previously agreed (SC-CAMLR-XXXV, paragraphs 4.10 and 4.11).

5.8 The Commission further endorsed the discussions by the Scientific Committee, including on a preliminary risk assessment for the krill fishery in East Antarctica, the adoption of a ‘swarm-based’ approach to acoustic biomass estimation from fishing vessel data, experimental approaches to krill fishing, additional approaches to feedback management (FBM) and future plans for a multinational synoptic krill survey (SC-CAMLR-XXXVI, paragraphs 3.12 to 3.26 and 13.6).

#### Fish resources

5.9 In 2016/17, 14 Members fished for Patagonian toothfish (*Dissostichus eleginoides*) and/or *D. mawsoni* in Subareas 48.3, 48.4, 48.6, 58.6, 58.7, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a, 58.5.1 and 58.5.2. Members also conducted research fishing for toothfish in the closed areas of Subareas 48.2 and 88.3 and Division 58.4.4b. The reported total catch of *D. eleginoides* to 19 September 2017 was 8 389 tonnes and that of *D. mawsoni* was 4 341 tonnes (SC-CAMLR-XXXVI/BG/01 Rev. 1).

5.10 In 2016/17, two Members, the UK and Australia, targeted mackerel icefish (*Champsocephalus gunnari*) in Subarea 48.3 and Division 58.5.2 respectively (SC-CAMLR-XXXVI/BG/01 Rev. 1).

5.11 The Commission endorsed the advice of the Scientific Committee on catch limits for *C. gunnari* in Subarea 48.3 and Division 58.5.2 in 2017/18 and 2018/19 (SC-CAMLR-XXXVI, paragraphs 3.32 and 3.36).

5.12 The Commission noted the assessment of *C. gunnari* in Division 58.5.1 and that the Scientific Committee had agreed that catch limits of 3 081 tonnes for 2017/18 and 2 753 tonnes for 2018/19 would be consistent with the CCAMLR decision rules (SC-CAMLR-XXXVI, paragraph 3.33).

5.13 The Commission endorsed the Scientific Committee's advice on catch limits for *D. eleginoides* in Subareas 48.3, 48.4 and Division 58.5.2 in 2017/18 and 2018/19 (SC-CAMLR-XXXVI, paragraphs 3.41, 3.44 and 3.56) and for *D. mawsoni* in Subarea 48.4 in 2017/18 (SC-CAMLR-XXXVI, paragraphs 3.47, 3.48 and 3.98).

5.14 The Commission noted the advice of the Scientific Committee that in respect of the fishery for *D. eleginoides* in the French exclusive economic zone (EEZ) of Kerguelen Islands in Division 58.5.1, a catch limit set by France of 5 050 tonnes in 2017/18, which allowed for average depredation rates of 313 tonnes, was consistent with the CCAMLR decision rules. As there was no new information available on the state of fish stocks in Division 58.5.1 outside areas of national jurisdiction, the prohibition of directed fishing for *D. eleginoides*, described in CM 32-02, will remain in force (SC-CAMLR-XXXVI, paragraphs 3.51 and 3.52).

5.15 The Commission noted the advice from the Scientific Committee that the catch limit set for 2017/18 by France of 1 100 tonnes was consistent with the CCAMLR decision rules in the fishery for *D. eleginoides* at Crozet Islands (Subarea 58.6 inside the French EEZ) (SC-CAMLR-XXXVI, paragraph 3.59). As there was no new information available on the state of fish stocks in Subarea 58.6 outside areas of national jurisdiction, the prohibition of directed fishing for *D. eleginoides*, described in CM 32-02, will remain in force (SC-CAMLR-XXXVI, paragraph 3.60).

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

#### Exploratory finfish fisheries and research in data-poor fisheries and closed fisheries

5.17 The Commission endorsed the recommendation of the Scientific Committee that priority should be given to the completion of research programs already in place rather than the implementation of new research proposals and noted that guidance on a strategy for the prioritisation of future research fishing would be considered in the context of the recommendations of the PR2 Report (SC-CAMLR-XXXVI, paragraphs 3.64 and 3.65).

5.18 The Commission noted that the discussion in the Scientific Committee on harmonising CCAMLR's approach to activities targeting toothfish had highlighted that fishing conducted under CM 24-01 is subject to a more limited set of compliance and mitigation requirements than fishing conducted under CM 21-02 (i.e. exploratory fisheries). The Commission also noted that WG-SAM and WG-FSA conduct reviews of these proposals in the same way (SC-CAMLR-XXXVI, paragraphs 3.68 and 3.70).

5.19 The Commission noted the complementary aims and objectives of CCAMLR-XXXVI/22 and XXXVI/27 to develop a consistent and transparent approach to activities targeting toothfish. The Commission endorsed the recommendations in CCAMLR-XXXVI/22 for changes to CM 24-01 and a proposed new conservation measure to clarify the process for submission and review of research plans as well as for the subsequent reporting requirements.

5.20 The Commission considered CCAMLR-XXXVI/29 that proposed to establish an exploratory fishery in Subarea 88.3. The Commission noted that toothfish removals in this subarea have occurred since 1997 (CCAMLR-XXXVI/29). Australia and New Zealand noted

that regulating all activities targeting toothfish as an exploratory fishery under CM 21-02 would enable CCAMLR to better achieve its objectives and meet its obligations under the Convention.

5.21 Russia noted that available information on the fishery in Subarea 88.3 responds to CM 21-01, paragraph 1, and defines this fishery as a new fishery. It was also noted that research plans for Subarea 88.3, proposed by the Republic of Korea and New Zealand for the next three years, will provide additional data in accordance with CM 21-01, paragraph 1. Russia suggested that the status of the fishery in Subarea 88.3 be revisited after consideration of the materials from the abovementioned plan.

5.22 The Commission supported the aims of ensuring consistency with CCAMLR's regulatory framework. It agreed that a consistent and transparent approach to activities targeting toothfish, that includes the improvement in the requirement for data reporting and the application of other conservation measures that apply to exploratory fisheries, be extended to all activities targeting toothfish.

5.23 Some Members noted that while the proposal in CCAMLR-XXXVI/29 was consistent with these aims, there is a need to consider the conservation benefits of the transition of the research fishing in Subarea 88.3 becoming an exploratory fishery, whereas fisheries in other areas remain closed. The Commission agreed that identifying the rationale for a research fishery becoming an exploratory fishery should include a consideration of the ongoing spatial planning activities currently being undertaken in CCAMLR.

5.24 The USA expressed concerns with establishing an exploratory fishery in Subarea 88.3. The USA noted that establishing an exploratory fishery in Subarea 88.3 puts CCAMLR on a path toward having an established toothfish fishery in this subarea. The USA also noted that CCAMLR is in the process of planning for an MPA in Domain 1 and that the MPA proposal submitted by Argentina and Chile overlaps with known fishing areas in Subarea 88.3. The USA requested that the Commission fully consider the levels and locations of fishing that would be consistent with the objectives of the MPA before charting a course towards an exploratory or, eventually, an established fishery in Subarea 88.3.

5.25 The Commission recalled the PR2 recommendations on the need to take a strategic approach to the development of exploratory fisheries in CCAMLR and agreed that this should be part of the broader consideration on the recommendations of PR2. This consideration should include a review of the development of fisheries as part of a strategy for the whole Convention Area and a regional strategy and the integration of fisheries and spatial management in CCAMLR.

5.26 The Commission endorsed the approach to evaluate and summarise research proposals in data-poor toothfish fisheries (SC-CAMLR-XXXVI, paragraphs 3.71 to 3.73) and noted that the development of these criteria would greatly assist in the evaluation of proposed research plans and the evaluation of ongoing research.

5.27 The Commission agreed that it was essential to have a clear process to review the effectiveness and appropriate duration of research activities targeting toothfish. This would avoid a situation where research simply continued indefinitely without an adequate mechanism to ensure that research objectives are being delivered and to ensure that research is delivering the objectives of the Commission.



5.28 The Commission endorsed the trend analysis decision framework for setting catch limits in research blocks and the associated rules used in the calculation of catch limits (SC-CAMLR-XXXVI, paragraphs 3.76 and 3.77) that provide:

- (i) a clear and transparent approach to setting catch limits in research blocks
- (ii) a standardised mechanism for transition from catch limits based on the catch-per-unit-effort (CPUE) by seabed area biomass estimates to catch limits based on Chapman biomass estimates
- (iii) feedback mechanisms to adjust catch limits in response to temporal trends in biomass estimates
- (iv) reduction of potentially large interannual variation in catch limits.

5.29 The Commission looked forward to further evaluation of this method, noting that it would be priority work for WG-SAM and WG-FSA in 2018.

5.30 The Commission endorsed the advice of the Scientific Committee on catch limits in exploratory fisheries and in association with fisheries research proposals in data-poor and closed areas in Subareas 48.2, 48.4 and 48.6 (SC-CAMLR-XXXVI, paragraphs 3.81 and 3.112).

5.31 Ukraine thanked the Scientific Committee for the consideration given to its research proposals in Subareas 48.1 and 48.2 and noted its intention to focus future research in Area 48, noting that it would provide an improved proposal for research in Subarea 48.1 next year.

5.32 The Commission noted the proposed CCAMLR workshop for the development of a regional *D. mawsoni* population hypothesis for Area 48 to be held in Germany in 2018 and looked forward to outcomes of this workshop.

5.33 The Commission endorsed the advice of the Scientific Committee on catch limits in exploratory fisheries and in association with fisheries research proposals in data-poor and closed areas in Subarea 58.4 (SC-CAMLR-XXXVI, paragraphs 3.113 to 3.124).

5.34 Russia noted that implementation of research programs in Subarea 58.4 (Divisions 58.4.1 and 58.4.2) is based on data collection by several vessels using different gear types in each research block. The available data show that gear effect might be a critical factor for the efficiency and reliability of multi-year programs in Subarea 58.4 (SC-CAMLR-XXXVI, paragraph 3.114). Russia noted the necessity to clarify the efficiency of this multi-year survey and the quality of the results obtained. Russia pointed to a significant increase in the catch limit in exploratory fisheries and in association with fisheries research proposals in data-poor and closed areas in Subarea 58.4 in recent years and stressed the necessity to clarify how it corresponds with the precautionary approach, bearing in mind the absence of estimates of toothfish stocks in Subarea 58.4.

5.35 The Commission endorsed the recommendation of the Scientific Committee that the catch limits in Subarea 88.1 and small-scale research units (SSRUs) 882A–B for the 2017/18 season be 3 157 tonnes, with 467 tonnes allocated to the special research zone (SRZ), 591 tonnes north of 70°S, 2 054 tonnes south of 70°S and 45 tonnes for the Ross Sea shelf survey (SC-CAMLR-XXXVI, paragraphs 3.138 and 3.139). The Commission also endorsed

the recommendation of the Scientific Committee with respect to the catch limits in SSRUs 882C–H (SC-CAMLR-XXXVI, paragraph 3.141) and for research fishing in Subarea 88.3 (SC-CAMLR-XXXVI, paragraph 3.142).

5.36 The Commission endorsed the recommendation of the Scientific Committee that research proposals submitted for work in the SRZ of the Ross Sea region MPA should be clearly linked to the research and monitoring plan (RMP) for the area and that research catches in the SRZ should be allocated from the SRZ catch limit to ensure that the objective of limiting the exploitation rate in the SRZ is preserved (SC-CAMLR-XXXVI, paragraph 3.137).

5.37 The Commission noted the recommendation of the Scientific Committee that information be provided in a ‘vessel tagging notification pro forma’ as part of the notification process to describe the procedures used to train observers and crew to tag toothfish in order to review and assess tagging practices (SC-CAMLR-XXXVI, paragraph 3.127). The Commission acknowledged analyses considered by the Scientific Committee indicating how differences in tagging performance between vessels could impact assessments, as well as how tagging performance metrics could be used in the evaluation of research proposals. The Commission noted that differences in the implementation of tagging practices on vessels may lead to the differences between Members’ tagging performance as indicated in SC-CAMLR-XXXVI (SC-CAMLR-XXXVI, Figure 2).

5.38 Some Members considered that the inclusion of the vessel tagging notification pro forma as part of the notification process may be premature and requested that the Secretariat send a circular to request the information described in that pro forma from Members and to provide an analysis for the consideration by the Scientific Committee. The Commission also noted that information on how tagging operations are conducted on a vessel could be requested from scientific observers as part of their cruise report.

5.39 The Commission considered the discussion by the Scientific Committee on management of catch limits where many vessels were competing for a relatively small catch limit (SC-CAMLR-XXXVI, paragraphs 3.131 to 3.134). The Commission noted that there had been an overrun of 56% in SSRUs 881B, C, G during the 2016/17 season and that catch overruns in Subarea 88.1 have been a persistent issue. The Commission acknowledged the potential for future catch overruns in the Ross Sea region SRZ, or in other areas with low catch limits, and noted the Scientific Committee’s suggestion that effort limitation may be an option to manage small catch limits and improve the ability of the Scientific Committee to provide robust management advice.

5.40 New Zealand made the following statement:

‘With reference to the issue of effort limitation to manage areas with small catch limits; this is an important issue for ensuring we manage these areas safely and appropriately. The New Zealand Delegation is of the view that the Commission will in the future need to make progress on this issue. In addition to general concerns about the safety of vessels, there are important implications for the provision of robust scientific advice. Some of the factors we see as important for the Scientific Committee’s future consideration of this issue are:

- (i) the impact on the quality of tagging; for example, the time to tag and the treatment of fish in the tagging process

- (ii) over-catch, as well as issues such as vessels competing for the same locations, causing lines to be set over the top of other vessels' lines (already set) that may introduce uncertainty in the assessments.

In our view, the Scientific Committee could in the future consider whether these factors could possibly have an impact on the quality of stock assessments used to provide advice. These are some of the factors relevant to the Scientific Committee's future consideration of effort limitation for areas with small catch limits. We recognise this is an ongoing conversation that is not new to the Commission, and at this point we simply wish to mention these points as being relevant to our future work.'

5.41 The Commission recognised that capacity management and system of allocation are issues requiring further consideration by CCAMLR over time, and that there was a need to develop robust management advice in order to prevent over-catch from occurring. The Commission recalled previous discussions on capacity management and suggested that consideration of these previous proposals would provide a good foundation for initiating further discussions.

5.42 The Commission endorsed the Scientific Committee's advice to use historical catch data and daily effort reporting to develop a more precautionary model to forecast fishery closures (SC-CAMLR-XXXVI, paragraph 3.134). This precautionary approach would allow the Secretariat to generate a closure date at the start of the fishery, with the closure date extended as necessary until the catch limit has been reached.

5.43 The USA suggested that a similar approach to issuing closure notices could be implemented with respect to the SRZ, based on the vessels notifications.

#### Assessment and avoidance of incidental mortality

##### Fish and invertebrate by-catch

5.44 The Commission noted the discussion of the Scientific Committee on the reporting of by-catch in CCAMLR toothfish fisheries (SC-CAMLR-XXXVI, paragraphs 3.143 to 3.151).

5.45 The Commission noted that research in research block 5841\_6 was not completed due to exceeding the 16% by-catch limit for *Macrourus* spp., and endorsed the recommendation for removal of the research grid, to allow structuring research fishing in that block in a similar manner to other research blocks in Division 58.4.1.

5.46 The Commission noted the Scientific Committee request to the Secretariat to provide a summary of the implementation of move-on rules to WG-FSA-18.

5.47 The Commission endorsed the recommendation that the by-catch limits for macrourids in Divisions 58.4.1 and 58.4.2 be retained at 16% of the *D. mawsoni* catch limit for 2017/18, and that multi-Member research proposals should be reviewed in 2018 to account for any areas of high by-catch.

5.48 The Commission endorsed the recommended updated catch limits by area for macrourids, skates and other species in the Ross Sea region, consistent with the implementation

of the Ross Sea region MPA (CM 91-05), noting the consequential changes to CM 33-03 that would result from the implementation of CM 91-05. The Commission noted that the move-on rule defined in CM 33-03, paragraph 6, should be applied at the SSRU level for Subarea 88.1.

#### Incidental mortality of seabirds and marine mammals associated with fisheries

5.49 The Commission considered the discussion of the Scientific Committee in respect of the incidental mortality of seabirds and marine mammals, noting the extrapolated incidental mortality of 116 seabirds in all CCAMLR longline fisheries in 2017 was the second-lowest on record.

5.50 The Commission endorsed the recommendation to include seabird mortalities not associated with fishing gear as a prospective topic of mutual interest with the CEP and ACAP, noting CEP's statement that it would consider how to assist in the development of this topic.

5.51 The Commission endorsed the conclusions of the Scientific Committee to retain the deployment of streamer lines on fishing vessels as reported in CM 25-02, as this was recognised as best-practice for mitigating seabird interactions, following the advice from ACAP.

#### Bottom fishing and vulnerable marine ecosystems

5.52 The Commission's considerations of issues relating to preliminary assessments of the potential for proposed bottom fishing activities to have significant adverse impacts on VMEs, as required by CM 22-06, are contained in SC-CAMLR-XXXVI, paragraphs 5.2 and 5.3.

#### Marine protected areas (MPAs) and time-limited Special Areas for Scientific Study

##### MPAs

5.53 The Commission noted the Scientific Committee's discussions on MPA planning in the Antarctic Peninsula region MPA in Domain 1 (hereafter identified as the D1MPA), Weddell Sea MPA in Domains 3 and 4 and progress on research and monitoring in respect of the South Orkney Islands southern shelf MPA and the Ross Sea region MPA (SC-CAMLR-XXXVI, paragraphs 5.5 to 5.47).

##### Weddell Sea MPA (Domains 3 and 4)

5.54 The Commission noted the discussion of the Scientific Committee on the development of the science to support the development of the Weddell Sea MPA (SC-CAMLR-XXXVI, paragraphs 5.4 to 5.14). The Commission noted that the Scientific Committee's discussion of SC-CAMLR-XXXVI/10, BG/24 and BG/25 had focused on the following issues:

- (i) consistency of approaches for data-rich and data-poor areas, and suitability of Marxan for use across both data-rich and data-poor areas within one analysis

- (ii) availability of data for areas east of the prime meridian in the Weddell Sea MPA planning area, taking into account the new maps (made available via the e-group) showing the spatial distribution of additional ecological and environmental data considered in the Weddell Sea MPA planning process
- (iii) consideration of ecological north–south connections, including the migration of higher-trophic level predators
- (iv) further discussion and agreement of protection target figures for toothfish habitat
- (v) consideration of sea-ice and accessibility of areas for monitoring
- (vi) consideration of the commercial potential of dominant fish species
- (vii) analysis of potential threats to ecosystems and biodiversity, including from climate change.

5.55 The Commission welcomed the open approach taken by Germany in taking account of issues raised in previous meetings and in intersessional discussions and noted that the proposed workshops in 2018 would provide valuable opportunities to progress spatial management and the development of a *D. mawsoni* population hypothesis in the Weddell Sea region (SC-CAMLR-XXXVI, paragraphs 5.7 to 5.9 and 13.22).

5.56 Many Members congratulated Germany on the extensive outreach and advancement of its Weddell Sea proposal over the years and supported the planned intersessional workshop on this MPA.

#### South Orkney Islands southern shelf MPA

5.57 The Commission noted the discussion of the Scientific Committee on the South Orkney Islands southern shelf MPA relating to an RMP and harmonisation of CM 91-03 with the requirements of CM 91-04 (SC-CAMLR-XXXVI, paragraphs 5.15 to 5.18).

5.58 The Commission recalled that the South Orkney Islands southern shelf MPA was the first MPA agreed by CCAMLR and the experience gained from this MPA was important to the future work of the Commission on MPAs.

5.59 Russia presented CCAMLR-XXXVI/30 Rev. 1 and noted that in the eight years since the adoption of the South Orkney Islands southern shelf MPA there had been no RMP approved by the Scientific Committee and Commission. Russia further noted that when the South Orkney Islands southern shelf MPA was agreed, the objectives included ecosystem-level research, whereas research reported from this MPA has so far focussed only on penguins and benthos and had not yet developed integrated indicators that could be used to evaluate the effectiveness of the MPA.

5.60 Russia also commented that the South Orkney Islands southern shelf MPA should take into consideration not only CM 91-03, but that this MPA should also be consistent with CM 91-04 as soon as possible. Russia believed the framework of CM 91-04 to be the primary instrument for presenting all the necessary documents with boundaries, duration, monitoring and research, taking into account the comments made in the Scientific Committee meeting in 2014 (SC-CAMLR-XXXIII, paragraph 5.58). Russia also stated that the South Orkney Islands

southern shelf MPA RMP should be discussed further by the Scientific Committee and Commission as soon as possible. Additionally, Russia noted the crucial importance of the Japanese checklist for MPA proposals (CCAMLR-XXXIV/19), which was an important document for standardising and rationalising the establishment of MPAs.

5.61 The EU noted that a large amount of quality data has been collected in and around the South Orkney Islands southern shelf MPA by Argentina, UK and others and that the results relevant to the objectives of the MPA would be provided in line with the next review period in 2019 as detailed in CM 91-03.

5.62 Some Members recalled that the checklist developed by Japan may provide useful guidance in developing an RMP for this MPA.

#### Antarctic Peninsula region MPA in Domain 1 (D1MPA)

5.63 The Commission noted the consideration by the Scientific Committee (SC-CAMLR-XXXVI, paragraphs 5.19 to 5.38) of a preliminary proposal from Argentina and Chile to establish a D1MPA, including the process of developing this preliminary proposal, noting its objectives, priorities, development methods and preliminary boundaries.

5.64 The Commission recognised that in respect of the development of the D1MPA (SC-CAMLR-XXXVI, paragraph 5.27):

- (i) the proposal was developed in an inclusive and transparent manner
- (ii) the scientific background for the proposal was comprehensive and appropriate
- (iii) the 'Priority Areas for Conservation' (PACs) identified from Marxan analyses undertaken by the proponents were justified by data and appropriate
- (iv) in the context of climate change, it is important to have PACs along the latitudinal gradient with a duplication of ecoregional features between them integrating the different environmental gradients
- (v) further consideration of fishing activities (e.g. either by applying a cost layer in Marxan sharing the experiences with other users (SC-CAMLR-XXXVI, Annex 6, paragraph 5.12); or by evaluating the potential displacement of fishing effort; or by identifying areas where displaced fishing activities might otherwise occur) (SC-CAMLR-XXXVI, Annex 6, paragraph 4.8) is needed to develop an agreed set of boundaries
- (vi) further consultation with industry experts and non-governmental organisation (NGO) representatives would likely improve the proposal.

5.65 The Commission noted that issues relevant to the D1MPA proposal requiring additional consideration include (SC-CAMLR-XXXVI, paragraph 5.29):

- (i) rationalising the size of the proposed MPA with achievement of its specific conservation objectives and Members' other interests such as fishing

- (ii) estimating the contemporary distribution and biomass of krill throughout Planning Domain 1
- (iii) providing additional evidence that the proposed MPA can mitigate the effects of climate change or that the proposed MPA includes reference areas that are useful to study such effects
- (iv) providing additional evidence that the proposed MPA could decrease the risks of krill fishing having a negative impact on the ecosystem
- (v) considering further data layers and conservation targets related to fishes
- (vi) developing priorities for an RMP to accompany the proposed MPA.

5.66 With reference to discussions at WG-EMM and the Scientific Committee (SC-CAMLR-XXXVI, paragraph 5.28), Norway noted an issue that requires additional attention is how to integrate current and potential management strategies of krill fishing activities, such as FBM, within any Domain 1 MPA.

5.67 The Commission welcomed the agreement by the Scientific Committee to establish the Domain 1 Expert Group led by Argentina and Chile and endorsed the terms of reference and associated topics of work outlined in SC-CAMLR-XXXVI/19.

5.68 The Commission agreed that the information presented in support of the preliminary proposal, including the establishment of the Domain 1 Expert Group, had demonstrated a comprehensive and inclusive approach and would facilitate the engagement of a broad suite of stakeholders, including Observers to the Scientific Committee. Argentina and Chile thanked the many Members that expressed their support towards the preliminary proposal and their interest in participating in the Domain 1 Expert Group. They expressed their intention to approach interested Members regarding the Expert Group, both personally during the meeting, and via an e-group in the intersessional period.

5.69 The Commission thanked the proponents for presenting the Domain 1 MPA proposal and appreciated the amount of work that presenting a comprehensive proposal takes. The Commission supported the formation of an expert group and many Members looked forward to engaging on this MPA.

#### Ross Sea region MPA research and monitoring plan (RMP)

5.70 The Commission thanked Italy for hosting a Ross Sea region MPA RMP Workshop (WS-RMP-17) in April 2017 and welcomed the endorsement by the Scientific Committee of the Ross Sea region MPA RMP (SC-CAMLR-XXXVI, paragraphs 5.45 to 5.47); the Commission noted that:

- (i) the requirement to introduce the RMP to the Scientific Committee and Commission this year (CM 91-05, paragraph 14) had been fulfilled
- (ii) the list of research and monitoring topics included in the RMP is comprehensive and usefully linked to the specific objectives of the Ross Sea region MPA (e.g. by including clear maps)

- (iii) the RMP should be a ‘living’ document that is regularly reviewed and updated as appropriate by the Scientific Committee in accordance with CM 91-05
- (iv) initial updates to the RMP should consider –
  - (a) research efforts extending beyond ‘key species’ to include the full ecosystem
  - (b) studies of key species extending beyond their core distributions to include their full life-cycle distributions
  - (c) studies adjacent to, and outside, the boundaries of the Ross Sea region MPA, including studies undertaken by fishing vessels, are needed to fully evaluate the MPA
  - (d) indicators of ecosystem services and outcomes are linked to the specific objectives of the Ross Sea region MPA
- (v) additional updates to the RMP should aim to include –
  - (a) additional detail to specify baselines that are currently known (e.g. recent estimates of the abundance of key species)
  - (b) standards for data collection, where appropriate
  - (c) criteria that are referenced to the indicators of ecosystem services and outcomes and which might be used to evaluate the effectiveness of the Ross Sea region MPA
- (vi) the new data management group (DMG) (SC-CAMLR-XXXVI, paragraphs 14.7 to 14.10) should include consideration of data related to the Ross Sea region MPA in its deliberations and attempt to build relevant strong links with external data sources and warehouses (e.g. the Southern Ocean Observing System (SOOS)).

5.71 When the Ross Sea region MPA RMP was introduced to the Commission, Russia made several comments as to the contents of the RMP (CCAMLR-XXXVI/30 Rev. 1) and drew attention to the requirement that RMPs be adopted by the Commission in accordance with CM 91-04, paragraph 5.

5.72 Australia thanked the USA, New Zealand, Italy and all Members who had worked in the intersessional period to develop the RSRMPA RMP and noted that the Scientific Committee had endorsed it. Australia further noted that it contained all the elements it expected would be contained in an RMP and saw no impediments to its adoption. The UK agreed with Australia.

5.73 The Commission noted that the development of the Ross Sea region MPA RMP should include a consistent approach to research in the SRZ and the clarification of baseline data and integrated indicators that can be used in the evaluation of progress of research and monitoring.

5.74 The Commission noted that the Ross Sea region MPA RMP would be a living document and requested that it be placed on a dedicated project website that would facilitate the interaction of Members in the activities described in the RMP. The Commission recalled that



the Ross Sea region MPA is a CCAMLR MPA and that the RMP was also an indicator of the collegial approach taken by Members in progressing this issue. Furthermore, the Commission recommended that the profile of the Ross Sea region MPA and the RMP should be elevated on the CCAMLR website and that consideration be given to the creation of a position in the Secretariat dedicated to MPA administration requesting that the latter be considered by SCAF and as part of the review of the Secretariat Strategic Plan.

5.75 The Commission noted the Republic of Korea's new research program to be conducted in the Ross Sea region MPA aiming at understanding the impact of environmental change on the marine ecosystem, which was well received by the Scientific Committee (SC-CAMLR-XXXVI, paragraphs 5.48 to 5.50). In addition, Korea expressed its commitment to making the utmost efforts in this regard and said it would provide the results of the research program in due course.

5.76 China recalled that paragraph 5 of CM 91-04 entitled 'General framework for the establishment of CCAMLR Marine Protected Areas' clearly provided that the Commission will adopt an RMP for an MPA on the basis of the advice of the Scientific Committee.

5.77 China noted that the Commission was not able to adopt the RMP for the Ross Sea region MPA at its meeting in 2017 due to the fact that no formal text of the RMP incorporating advice from the Scientific Committee, which included 'initial updates' and 'additional updates' to the RMP, had been presented to the Commission for consideration and the Commission had not had meaningful discussions on the substantial contents of the RMP.

5.78 China stated that it was willing to work with other Members in preparing the text of the RMP for the Ross Sea region MPA and was supportive of the RMP being adopted by the Commission in due course, noting that the Scientific Committee was of the view that the RMP should be a living document.

5.79 China further suggested the RMP for the Ross Sea region MPA be adopted as Annex D of CM 91-05, providing guidance for research and monitoring work in the MPA together with Annex C of CM 91-05.

5.80 Russia noted that the Ross Sea region MPA does not have the necessary scientific and information support that would allow the development of a scientifically based RMP in accordance with the aims and objectives of the MPA, including integrated indicators for implementation of the RMP, measurable criteria and indicators of the performance of the MPA. In the opinion of Russia, the most important and highest-priority task is to clarify baseline data supporting this MPA.

5.81 Russia introduced CCAMLR-XXXVI/30 Rev. 1 and once again emphasised and called upon Commission Members to maintain the position that the conservation of Antarctic marine ecosystems is primarily a scientific and practical goal involving support from all States in the conduct of research in MPAs. Therefore, Russia proposed the following:

- (i) the Scientific Committee and its working groups develop an integrated research program for the South Orkney Islands southern shelf MPA and the Ross Sea region MPA with the participation of all Commission Members, because consensus was achieved in the adoption of the above MPAs

- (ii) a uniform approach to designating MPAs requires uniform criteria. It is proposed that the current Japanese MPA check list (CCAMLR-XXXIV/19) be endorsed as an annex to CM 91-04 (2011) as the basis for determining such criteria.

5.82 The USA emphasised that the Ross Sea region MPA RMP had been properly submitted according to CM 91-05, paragraph 14, and satisfied the requirements of that provision. In addition, the Scientific Committee had taken the additional step of endorsing the RMP (SC-CAMLR-XXXVI, paragraph 5.45). Thus, the RMP is in effect and further action by the Commission is not required. If, as suggested by two Members, adoption is needed to meet a requirement of CM 91-04, the USA noted that it had offered to have the RMP adopted by the Commission at this meeting. Although this was feasible, it was not agreed, and certain substantive concerns were raised late in the proceedings of the Commission. Despite extensive consideration of the RMP earlier in the agenda and throughout the preceding year, there was not sufficient time to address the concerns.

5.83 The EU thanked the USA, New Zealand and Italy for their important work during the intersessional period to develop the Ross Sea region MPA RMP and indicated that beside Italy different EU scientists are willing to participate in the RMP. The EU supported the utilisation of collaborative tools to contribute to the RMP.

#### Time-limited Special Areas for Scientific Study

5.84 The Commission noted the discussion in the Scientific Committee of SC-CAMLR-XXXVI/02, which reported on the loss of a 5 800 km<sup>2</sup> section of floating ice from the Larsen C Ice Shelf in Subarea 48.5 on 12 July 2017. It endorsed the recommendation that the initial Stage 1 Special Area for Scientific Study should be extended to a Stage 2 Special Area, designated for a period of 10 years, consistent with CM 24-04, paragraph 10.

5.85 The Commission recognised the scientific importance of this area, and welcomed plans for research to be undertaken in the coming seasons by the British Antarctic Survey (February/March 2018), the Alfred Wegener Institute (2018/19) and others.

#### CCAMLR MPA Special Fund

5.86 The Commission endorsed the recommendation of the Scientific Committee on the updated MPA Special Fund terms of reference, guidelines for use (including an application pro forma) and management group terms of reference (SC-CAMLR-XXXVI, paragraph 5.52 and as set out in SC-CAMLR-XXXVI/12).

5.87 The Commission noted that the MPA Special Fund could be used to encourage work to develop MPA proposals in areas where there has been less research such as in the Bellingshausen Sea in Domain 9.

## Scientific research exemptions

### Chilean survey

5.88 The Commission noted the proposed research plan from Chile to conduct a bottom trawl survey of the distribution, abundance and biological characteristics of Antarctic demersal fish communities in the 2017/18 season along the shelf areas of Subareas 48.1 and 48.2 (SC-CAMLR-XXXVI, paragraph 9.1).

5.89 The Commission endorsed the recommendation of the Scientific Committee that the survey proposed by Chile should proceed with a catch limit for *C. gunnari* of 50 tonnes for Subarea 48.1 and 50 tonnes for Subarea 48.2 (SC-CAMLR-XXXVI, paragraph 9.2).

### Australian survey

5.90 The Commission noted that Australia intends to conduct its annual randomised stratified trawl survey in Division 58.5.2 in 2017/18 (SC-CAMLR-XXXVI, paragraph 9.3).

## Capacity building

5.91 The Commission welcomed the advice from the Scientific Committee that two early career scientists were selected to receive a CCAMLR scientific scholarship in 2018 and 2019 (SC-CAMLR-XXXVI, paragraphs 13.9 to 13.18). The Commission congratulated Ms Elisa Seyboth from Brazil, who will work on fin whales (*Balaenoptera physalus*) around the Antarctic Peninsula and their relationship to Antarctic krill, and Dr Davide Di Blasi from Italy, who will develop non-invasive techniques for the study of fishes in the Ross Sea, including toothfish and silverfish. The Commission looked forward to their contributions to CCAMLR.

5.92 Underscoring the importance of capacity building, the UK asked for progress on the request of the Secretariat set out in CCAMLR-XXXV, paragraph 5.96, for a paper on sustainable finance options for the scholarship scheme, including as a fixed proportion of the overall budget.

## Scheme of International Scientific Observation

6.1 The Commission noted the Scientific Committee's discussions on the Convener's report of the Workshop on the CCAMLR Scheme of Scientific Observation (WS-SISO, SC-CAMLR-XXXVI/08).

6.2 The Commission endorsed the Scientific Committee's recommendations on issues that were referred by WS-SISO to WG-EMM (SC-CAMLR-XXXVI, paragraph 7.2).

6.3 The Commission endorsed the Scientific Committee's recommendations on issues that were referred by WS-SISO to WG-FSA (SC-CAMLR-XXXVI, paragraph 7.3).

6.4 The Commission noted the recommendations referred to the Scientific Committee and Commission by WS-SISO (SC-CAMLR-XXXVI, paragraph 7.6) and encouraged the Scheme of International Scientific Observation e-group to consider these further.

6.5 The Commission noted the developments underway to update the observer manual and logbooks, and endorsed the recommendation to include relevant metadata on the version(s) of these documents in Members' data extracts.

6.6 The USA presented CCAMLR-XXXVI/25 and BG/16 which proposed revisions to the text of SISO and the development of a vessel safety checklist and debriefing protocol, as recommended by the 2013 Review Panel of the CCAMLR SISO (SC-CAMLR-XXXII/07 Rev. 1).

6.7 The USA noted the important contribution of scientific data collected by SISO observers in the Convention Area and that these data are critical to the work of the Scientific Committee, specifically its development of advice to enable the Commission to make management decisions in line with the Convention objectives. The USA noted that WS-SISO suggested some of the outstanding 2013 Review Panel recommendations be addressed by SCIC and the Commission. The USA looked forward to discussions with other Members with a view toward adopting amendments to the Text of SISO to promote the safety and welfare of observers serving on vessels operating in the Convention Area.

6.8 Several Members expressed reservations regarding the legalities and the ability of a SISO observer to assess safety equipment and the reliability of safety certification documents. Additionally, the logistical difficulties of performing pre-departure checks on a vessel were noted when deploying international observers, and several Members commented on the potential costs involved in supplying observers with independent communication devices.

6.9 The USA appreciated the support by Members to enhance observer safety. With components of CCAMLR-XXXVI/25 requiring further discussion, the USA presented a revision during the meeting, with the aim of adopting an emergency action plan. The USA noted that a pre-deployment safety check, independent communications equipment and debriefing mechanisms are very important in contributing to the safety of the scientific observers, and looked forward to continuing discussion and progress on these issues during the intersessional period through the existing Scheme of International Scientific Observation e-group.

6.10 Members expressed their appreciation for the revised proposals presented by the USA and the Commission adopted amendments to the Text of SISO.

6.11 ASOC supported the recommendation from the Scientific Committee to expand the collection of by-catch data on invertebrates, including crystal krill, during krill fishing operations. Since this information is not currently reported, evaluating representative samples from the krill catch to assess the level of crystal krill being caught will fill gaps in data.

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

7.1 Australia, on behalf of Norway and the Climate Change ICG, presented CCAMLR-XXXVI/20 to the Commission. The paper considered approaches for enhancing consideration of climate change impacts in CCAMLR, and sought to address the remaining terms of reference of the Climate Change ICG.

7.2 The Commission noted the Scientific Committee's advice that WG-EMM supported the proposed Climate Change Response Work Program (CCRWP), and that WG-FSA recognised that many activities identified in the plan were already part of the five-year plan for the Scientific Committee. Additionally, the Commission recognised that the important elements of climate-change related work are found in almost all the working groups' tasks (SC-CAMLR-XXXVI, paragraphs 8.2 and 8.3).

7.3 The Commission noted that the Scientific Committee had called attention to the Marine Ecosystem Assessment for the Southern Ocean (MEASO) conference and the preceding Integrating Climate and Ecosystem Dynamics in the Southern Ocean (ICED) workshop to be held in April 2018 ([www.measo2018.aq](http://www.measo2018.aq)) in Hobart, Australia (SC-CAMLR-XXXVI, paragraph 8.4).

7.4 The Commission noted that the Scientific Committee recommended the Commission adopt the CCRWP and support the continuation of an ICG to support implementation of the CCRWP (SC-CAMLR-XXXVI, paragraph 8.13).

7.5 The Commission thanked the proponents of the proposal and underlined that enhanced consideration of climate change in CCAMLR is an important issue.

7.6 Most Members supported the adoption of the CCRWP and a revision to the terms of reference for the ICG to support implementation of the CCRWP.

7.7 China and Russia recognised the importance of climate change impact issues to CCAMLR, and noted that the ICG to be established to support the implementation of the proposed CCRWP, if agreed, will be a new one with different terms of reference from the ICG established by the Commission in 2015 to develop approaches for integrating considerations of the impacts of climate change into the work of the Commission. China and Russia raised concerns regarding the overlap with the work of other organisations, the CCAMLR body in which the CCRWP and the Climate Change ICG is to be established, and the mechanism for engaging with other organisations efficiently. China and Russia also suggested the Climate Change ICG to be established under the framework of the Scientific Committee.

7.8 The Commission was not able to reach consensus to adopt the CCRWP and terms of reference for an ICG to support its implementation.

7.9 France noted that in the terms of reference adopted by the Commission in 2015 (CCAMLR-XXXIV, Annex 8), point 1 stated that the ICG was open to participation by all CCAMLR Members from the Commission and the Scientific Committee, point 4 specified how ICG advice would be reviewed by the Scientific Committee, point 6 referred to developing outcomes from a Joint CCAMLR–CEP Workshop, and points 7 and 8 addressed how the Commission and Scientific Committee would develop a list of topics of concern, a prioritised workplan and a process for incorporating the impacts of climate change issues in accordance with Article II of the Convention.

7.10 The UK made the following statement:

‘We agree strongly with the intervention by France, and we wish to thank all delegations, particularly those of Australia and Norway, as well as those involved in the ICG, for maintaining CCAMLR's impetus in keeping climate change prominently on our agenda. Agreeing a CCRWP for CCAMLR would have been an important step forward.

That we were not able to reach agreement on taking this work forward is very disappointing. Climate change is one of the most vital concerns for the Southern Ocean and indeed for the rest of our planet. Climate change has the potential to impact upon virtually all marine living resources that occur within the Convention Area. It is therefore critical for CCAMLR to incorporate our understanding of change into a robust and sustainable management framework in line with the objective of the Convention.

The UK considers climate change as a high priority for the Commission and we will work closely with Members through the existing intersessional correspondence group to progress the development of the plan. Next year, we hope we can achieve the constructive engagement of all Members to ensure we can appropriately incorporate climate change into our Commission deliberations and make demonstrable steps to ensure the conservation of Antarctic marine living resources, including in light of increasingly rapid environmental change.’

7.11 Australia thanked Members for their constructive discussions at this meeting. Australia recalled that in 2015, the Commission established the Climate Change ICG Group (CCAMLR-XXXIV, Annex 8) and tasked the group with providing the Scientific Committee and the Commission with information, advice and recommendations necessary to appropriately integrate the impacts of climate change into the work of the Commission.

7.12 Australia also recalled that the Commission agreed that the scope of this work includes issues and actions within the competence of the Commission related to the impacts of climate change for Antarctic marine living resources. This is clearly laid out in the terms of reference for the ICG (CCAMLR-XXXIV, Annex 8).

7.13 The CCRWP provides a mechanism to take account of climate change impacts in achieving the objective of the CAMLR Convention. It aims to build on related work of the Commission and the Scientific Committee and its working groups, and to link with related work being undertaken by the CEP and other relevant organisations.

7.14 Australia expressed its disappointment that the Commission was not able to endorse the CCRWP, noting that unfortunately, despite extensive consultations, concerns were raised late in proceedings which were not able to be resolved. Until this work is completed, the ICG will continue under its existing terms of reference, as tasked by the Commission in 2015.

7.15 Australia also noted that the Scientific Committee had recommended the CCRWP be adopted by the Commission, as submitted in CCAMLR-XXXVI/20 and proposed that the Scientific Committee may wish to use the CCRWP as a useful guide for its work on climate change.

7.16 Norway made the following statement:

‘We would firstly like to thank our Co-convenor and co-sponsor Australia for the good collaboration we have had over the last year in leading this ICG, and in producing the proposal for a CCRWP for CCAMLR.

Norway was ready to move forward on the proposal at this meeting, but unfortunately we were not able to reach consensus on the issue of incorporating considerations of climate change into the deliberations of CCAMLR in a more structured fashion.

The issue of climate change is of high importance to Norway, as it is for all Members of the Commission. As such, Norway noted with appreciation that the Scientific Committee recommended the Commission adopt the CCRWP.

Norway is ready to participate actively in resolving outstanding concerns during the intersessional period to ensure a positive outcome next year.'

7.17 Belgium made the following statement:

'Belgium would like to thank Australia and Norway for the outstanding work they have done intersessionally and during this meeting. We fully support the interventions just made by Australia and France on the mandate and the terms of reference of the ICG. We fully agree that climate change should be duly considered by the Commission.

Belgium fully supports the CCRWP the ICG had prepared for this meeting. We consider climate change as a very important issue on which CCAMLR should be able to move forward. We are already noticing the impact of climate change within the Convention Area. Hence, we consider it of utmost importance to work on this issue structurally within our agenda.

We are therefore disappointed that the Commission has not been able to move this work forward during this meeting. Belgium is ready to continue the discussions on the ICG and the CCRWP constructively in the run up to our meeting next year.'

7.18 Argentina stated that it supported the CCRWP and that it was conscious of the implications of climate change and its relevance in the agenda of the Commission. It further noted that climate change is directly related to significant impacts in the Antarctic Peninsula area where Argentina and Chile have been conducting work on an MPA proposal.

7.19 ASOC expressed disappointment with the lack of consensus as it considers climate change to be one of the most important issues facing CCAMLR.

7.20 The Commission noted the paper provided by ASOC (CCAMLR-XXXVI/BG/27) that supported the adoption and implementation of a CCRWP by CCAMLR, and the ICG to support its implementation.

## **Conservation measures**

### **Review of existing measures**

8.1 The conservation measures drafting group had met during the meeting to consider and prepare conservation measures and resolutions for the Commission's consideration. The Commission expressed its appreciation to Mr Moronuki for chairing the conservation measures drafting group.

8.2 The Commission's consideration of revised and new conservation measures and resolutions, and related matters, is reported in this section. Conservation measures and resolutions adopted at CCAMLR-XXXVI will be published in the *Schedule of Conservation Measures in Force 2017/18*.

8.3 The Commission agreed that the following conservation measures and resolutions will remain in force in 2017/18:

Measures on compliance

10-01 (2014), 10-02 (2016), 10-03 (2015), 10-04 (2015), 10-06 (2016), 10-07 (2016) and 10-09 (2011).

Measures on general fishery matters

21-01 (2016), 21-03 (2016), 22-01 (1986), 22-02 (1984), 22-03 (1990), 22-04 (2010), 22-05 (2008), 22-07 (2013), 22-08 (2009), 22-09 (2012), 23-01 (2016), 23-02 (2016), 23-03 (2016), 23-04 (2016), 23-05 (2000), 23-06 (2012), 23-07 (2016), 24-02 (2014), 25-02 (2015), 25-03 (2016) and 26-01 (2015).

Measures on fishery regulation

31-01 (1986), 31-02 (2007), 32-01 (2001), 32-18 (2006), 33-01 (1995), 51-01 (2010), 51-02 (2008), 51-03 (2008), 51-06 (2016) and 51-07 (2016).

Measures on protected areas

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

Resolutions

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

8.4 The Commission adopted the following revised and new conservation measures:

Revised measures on compliance

10-05 (2017), 10-08 (2017) and 10-10 (2017).

Revised measures on general fishery matters

21-02 (2017) and 22-06 (2017).

Revised measures on research and experiments

24-01 (2017) and 24-04 (2017).

New measures on research and experiments

24-05 (2017).

Revised measures on fishery regulation

32-02 (2017), 32-09 (2017), 33-02 (2017), 33-03 (2017), 41-01 (2017), 41-02 (2017), 41-03 (2017), 41-04 (2017), 41-05 (2017), 41-06 (2017), 41-07 (2017), 41-08 (2017), 41-09 (2017), 41-10 (2017), 41-11 (2017), 42-01 (2017), 42-02 (2017) and 51-04 (2017).

8.5 The Commission noted that the period of a fishing season as defined in CM 31-02 may not always be appropriate in the context of scientific research conducted under CM 24-01 where the scientific rationale for the research may mean that the period of research straddles two consecutive seasons, for example where research is proposed to commence in October and be completed in December. The Commission agreed to consider this issue next year, taking into account advice from the Scientific Committee.



8.6 The Commission requested the Secretariat to provide a summary report describing the actual catch and any other relevant information related to each of the research plans included in CM 24-05.

## Compliance

### CDS

8.7 The Commission endorsed the advice of SCIC to revise CM 10-05 amending the conservation measure text and Annex 10-05/A to require the inclusion of additional data elements related to transshipment/landing in the e-CDS (Annex 6, paragraphs 101 to 106). CM 10-05 (2017) was revised and adopted.

### Scheme to promote compliance by Contracting Party nationals with CCAMLR conservation measures

8.8 The Commission endorsed the advice of SCIC to revise CM 10-08 to address the role of insurance providers in supporting or engaging in IUU activities (Annex 6, paragraphs 107 to 110). CM 10-08 (2017) was revised and adopted.

### CCEP

8.9 The Commission agreed to revise CM 10-10 to clarify the CCEP, the terminology used in CM 10-10 and to include the compliance status non-compliant (paragraphs 3.49 and 3.50).

8.10 The Commission also noted the necessity to have further elaboration on substantial issues in relation to the improvement of the CCAMLR Compliance Report table and agreed to take this up intersessionally to be coordinated by the EU.

## General fishery matters

### Fishery notifications

8.11 The Commission agreed to make clarifying amendments to CMs 21-02 and 22-06 to provide consistency in the date of submission of a preliminary assessment of the potential for proposed bottom fishing activities to have significant adverse impacts on VMEs (paragraphs 3.61 to 3.73).

### Fishing seasons, closed areas and prohibition of fishing

8.12 The Commission amended the prohibition of directed fishing in CM 32-02 as a consequence of changes in CM 41-09 and carried forward the prohibition of directed fishing for *Dissostichus* spp. in Subarea 48.5 in 2017/18 (CM 32-09). CM 32-02 (2017) and CM 32-09 (2017) were adopted.

### By-catch limits

8.13 The Commission agreed to bring forward the by-catch limits and move-on rule in Division 58.5.2 in 2017/18, and CM 33-02 (2017) was adopted.

8.14 The Commission endorsed the advice of the Scientific Committee and agreed to update the by-catch limits in response to changes in the target species catch limits specified in Annex 33-03/A. The Commission also endorsed the recommendation from the Scientific Committee that in order to provide clarity on the reporting requirement of joint lines in observer and commercial data, the Commission adopt the fishing gear specifications set out in CM 33-02, footnote 1, for all CCAMLR fisheries (SC-CAMLR-XXXVI, paragraph 7.6). Consequently, footnote 1 from CM 33-02 was copied into footnote 4 of CM 33-03 and references in paragraph 5 of CM 33-03. With these changes, CM 33-03 (2017) was adopted.

### Toothfish catch limits

8.15 The Commission endorsed the advice of the Scientific Committee on catch limits in the fisheries for *D. eleginoides* in Subareas 48.3 and Division 58.5.2, recalling that these fisheries are subject to a biennial stock assessment and the catch limits apply to 2017/18 and 2018/19. By-catch limits for skates and rays and *Macrourus* spp. were also endorsed for Subarea 48.3. Other elements regulating these fisheries were carried forward and CMs 41-02 (2017) and 41-08 (2017) were adopted.

8.16 The Commission considered the arrangements for research fishing in exploratory fisheries for *D. mawsoni* in Subarea 48.6 and Divisions 58.4.1 and 58.4.2 and for *D. eleginoides* in Division 58.4.3a in 2017/18, and endorsed the Scientific Committee's advice on catch limits (SC-CAMLR-XXXVI, Table 1).

8.17 The Commission considered the arrangements for research fishing in exploratory fisheries for *D. mawsoni* in Subarea 88.1 and SSRUs 882A–B. The Commission endorsed the recommendations of CCAMLR-XXXVI/16 in respect of the consequential changes to other conservation measures arising from the establishment of the Ross Sea region MPA and the advice of the Scientific Committee on catch limits (SC-CAMLR-XXXVI, Table 1). It also considered the arrangements for research fishing in exploratory fisheries for *D. mawsoni* in SSRUs 882C–H and endorsed the Scientific Committee's advice on catch limits (SC-CAMLR-XXXVI, Table 1).

8.18 The Commission endorsed the Scientific Committee's advice on catch limits for *Dissostichus* spp. and by-catch limits for skates and rays and *Macrourus* spp. for Subarea 48.4 as indicated in CM 41-03 (2017).

8.19 The Commission updated the seasons for general measures for exploratory fisheries for *Dissostichus* spp. (CM 41-01 (2017)) and the limits on the fishery for *D. mawsoni* in Division 58.4.3b and adopted CM 41-07 (2017).

8.20 The Commission adopted the following conservation measures for fisheries targeting *D. mawsoni* and/or *D. eleginoides*:

- CM 41-01 (2017) – general measure for exploratory fisheries for *Dissostichus* spp.
- CM 41-02 (2017) – fishery for *D. eleginoides* in Subarea 48.3

- CM 41-03 (2017) – fishery for *Dissostichus* spp. in Subarea 48.4
- CM 41-04 (2017) – exploratory fishery for *D. mawsoni* in Subarea 48.6
- CM 41-05 (2017) – exploratory fishery for *D. mawsoni* in Division 58.4.2
- CM 41-06 (2017) – exploratory fishery for *D. eleginoides* in Division 58.4.3a
- CM 41-07 (2017) – exploratory fishery for *D. mawsoni* in Division 58.4.3b
- CM 41-08 (2017) – fishery for *D. eleginoides* in Division 58.5.2
- CM 41-09 (2017) – exploratory fishery for *D. mawsoni* in Subarea 88.1
- CM 41-10 (2017) – exploratory fishery for *D. mawsoni* in Subarea 88.2
- CM 41-11 (2017) – exploratory fishery for *D. mawsoni* in Division 58.4.1.

#### Icefish catch limits

8.21 The Commission endorsed the Scientific Committee’s advice on the limits for the established fishery for *C. gunnari* in Subarea 48.3 and Division 58.5.2 in 2017/18 and 2018/19 (paragraph 5.11), and the clarifications to the seasonal seabird by-catch limit for vessels operating in the fishery in Subarea 48.3. CM 42-01 (2017) and CM 42-02 (2017) were adopted.

#### Other fishery matters

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

#### Time-limited Special Areas for Scientific Study

8.23 The Commission adopted an annex to CM 24-04 (2017) to describe the designation of a newly exposed marine area adjacent to the Larsen C ice shelf (paragraphs 5.84 and 5.85).

#### Consideration of new measures and other conservation requirements

##### Fishing for research purposes

8.24 The Commission adopted CM 24-05 to increase both transparency and documentation in relation to fishing for research purposes that has been authorised by the Commission (paragraphs 5.18 and 5.19).

8.25 Russia noted that the research catches in the Ross Sea region MPA should be allocated from the SRZ catch limit.

8.26 Russia noted that CM 91-05 does not prescribe how the catch limit for research within the MPA and within the SRZ are to be allocated. It was stressed that catch limits for any research in the Ross Sea region MPA should not be deducted from catch limits for exploratory fishing outside the MPA. Russia also stressed concerns that relocation of catch limits from outside the MPA will provide additional impact on toothfish and the ecosystem in the MPA and limit longline exploratory fishing being a data source for assessment models for toothfish in the Ross Sea region. Russia noted the necessity for clarification by the Scientific Committee and its working groups (WG-SAM and WG-FSA) how the abovementioned redistribution of the catch limit is appropriated to the goals and objectives of the Ross Sea region MPA to provide conservation and protection.

8.27 New Zealand indicated its readiness to work collaboratively on research proposals that contribute to CCAMLR's understanding of the Convention Area, in particular the research and monitoring objectives for the Ross Sea region MPA. It encouraged Members to submit robust research proposals to the Scientific Committee for its consideration. New Zealand acknowledged that the allocation of fishing effort under research proposals endorsed by the Scientific Committee was a matter that could merit further advice from the Scientific Committee at its next meeting.

8.28 Australia noted that any scheme for redistribution of the catch in the Ross Sea region in a manner other than that specified in CM 91-05 should be based on the advice of the Scientific Committee.

## MPAs

### East Antarctica

8.29 Australia, the EU and France introduced a revised proposal to establish an MPA in the East Antarctic (CCAMLR-XXXVI/17). The proponents noted that this proposal has been in development since 2012 and has been refined each year to take a holistic approach to meet the range of conservation and management approaches in the East Antarctic planning domain. The proponents highlighted that the proposed East Antarctic MPA has been renamed to improve consistency with CM 91-04 and to recognise the importance of its contribution to the development of a representative system of Antarctic MPAs throughout the Convention Area (and not just in East Antarctica). The objectives have been simplified and clarified to better communicate their intent and derivation from CM 91-04. The proposal also extends the prohibition of fishing under CM 22-08 to continental innershelf depressions and embayments. Furthermore, it sought to prohibit fishing for krill in the D'Urville Sea–Mertz area to monitor important environmental changes in this area.

8.30 Australia, the EU and France noted that the ongoing environmental challenges in the CAMLR Convention Area may not match the timescales of decision-making processes.

8.31 Australia, the EU and France noted that at CCAMLR-XXXV most Members agreed that the proposal had addressed their concerns and that the current proposal was consistent with the commitment by the Commission in 2009 to achieve a representative system of MPAs within the Convention Area by 2012 (CCAMLR-XXVIII, paragraph 7.19).

8.32 Most Members expressed their support for the proposal to establish an MPA in the East Antarctic and congratulated the proponents on their open and constructive approach to accommodate the previous concerns expressed by Members. This reflected the multilateral engagement and the multi-disciplinary approach to science that had resulted in a much clearer and stronger proposal. Those Members noted the importance of maintaining the positive momentum on MPAs that CCAMLR had created in 2016 and to maintain progress in developing a representative system of MPAs in the Convention Area.

8.33 Norway made the following statement:

‘Norway is a strong supporter of the East Antarctic MPA and is encouraged by the work done by the proponents of the East Antarctic MPA and the clarifications that have been made. In our view, this has made the proposal even stronger. We would also like to reiterate our support for the approaches used for developing a system of representative areas in a data-poor area. As also stated last year, Norway is of the view that the East Antarctic MPA should be considered as the model for similar data-poor areas.

The thinking underlying the East Antarctic MPA proposal is also consistent with that adopted in data-poor areas of regional fishery management organisations (RFMOs) in the Atlantic Ocean in their designation of biogeographically representative VME closures as well as in the designation of high-seas MPAs in the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR).

The positive way the proponents have worked with Members to achieve consensus is highly appreciated. Norway is ready to participate in drafting to develop a conservation measure. We also think that having both the Ross Sea region MPA and East Antarctic MPA adopted will be very helpful as a model for developing additional MPAs in the Convention Area.’

8.34 Argentina made the following statement:

‘Argentina wishes to thank the EU, Australia and France for the work on the MPA Proposal for the East Antarctic and underscores that it has taken into account the concerns expressed by several Members. This has resulted in an improved, more simplified proposal which better communicated its conservation objectives and provides more clarity in respect of the activities that can be undertaken in the area.

All changes made to the proposal, together with the environmental changes and impacts observed in the region, such as the ones undergone by penguin colonies, indicate that this is the right time to support this proposal and send it to the drafting group.

In 2016, this Commission took a very important step when it approved the Ross Sea region MPA. We understand conditions are given to move forward on the same path and that the East Antarctica MPA proposal is now mature for its adoption by this Commission.’

8.35 Japan thanked the proponents for their willingness to engage in discussions which had provided an opportunity to clarify questions Japan had in relation to the change of name; the mechanism that would be used for assessing activities within the MPA; and whether the proposal has a defined period. Japan noted that it understood that the usual process that exists for assessing exploratory fishing and research activities would be applied for activities inside the East Antarctic MPA, with the MPA being an additional layer.

8.36 China thanked Australia, the EU and France and noted that the improvements in the proposal had indeed reflected the open and transparent approach taken by the proponents to engage in dialogue on the proposal. China noted that it remained concerned as to how the proposal would address the status and trends of Antarctic marine living resources, the effectiveness of existing conservation measures to achieve the objectives of the MPA proposal and how the implementation of the proposed MPA would be coordinated with these measures. China also noted that the proposal needed to include greater clarity on threat analysis as well as the development of baselines, objectives and criteria with which to measure the delivery of the objectives of the MPA.

8.37 Russia welcomed the revised proposal and recognised that it provided greater clarity and enhanced understanding of the aims and objectives of the East Antarctic MPA. Russia noted the changes in the proposal from previous years and suggested that presenting each of the component MPAs in CCAMLR-XXXVI/17 as individual proposals, including in the determination of the appropriate period of designation of each of the component MPAs, may assist in making progress in the future. Russia also noted the need for clarity in the changes to the areas being proposed for inclusion as part of the MPA(s) and the need to understand the impact of these changes on existing regulatory measures. Furthermore, Russia noted the development of the proposal in response to questions from Members and suggested that the presentation of those questions and the subsequent responses may assist in reaching a future agreement on the proposal.

8.38 Belgium made the following statement:

‘We would like to thank our colleagues of the EU, France and Australia on the work that has been done on the East Antarctic MPA, not only this year but since the beginning of this proposal. We believe that the proposed conservation measure includes relevant clarifications, especially on the activities in the area. We also appreciate the consideration of the environmental conditions and the changes in the area. We believe the current proposal is mature and gives an answer to the issues raised by different delegations over the past few years. As such, Belgium is happy to support the East Antarctic MPA.

We already have a great example of how CCAMLR Members can work together to coordinate research in the East Antarctic. During the last International Polar Year, the Census of Antarctic Marine Life (CAML) coordinated 18 major research voyages to Antarctica and the Southern Ocean with results important for CCAMLR like in the Ross Sea. Three CAML voyages took place in East Antarctica improving our knowledge on plankton, benthic invertebrates and fish.

CAML resulted in various scientific outputs, a high number of papers, but also online resources, such as the register of Antarctic marine species and SCAR Marine Biodiversity Information Network (SCAR-MarBIN) which is a part of the Antarctic biodiversity portal hosted by Belgium. Researchers of these different networks are still actively working together.

As such we are convinced that such a “research and monitoring” plan can be developed by CCAMLR in due time and Belgium is happy to contribute to this.’

8.39 The Commission thanked the proponents of the East Antarctic MPA for the extensive work undertaken so far and encouraged all Members to engage in further open and collaborative engagement so that this proposal may be further developed and considered by the Commission.

8.40 The EU made the following statement:

‘The EU thanked the various countries who have made such encouraging and constructive comments regarding the proposal for a future MPA in the East Antarctic and noted that the discussions have reached almost complete agreement regarding clarification of the measure proposed, and a very good understanding of the philosophy of how this proposal will function in the future.

The EU expanded on a number of points in response to the specific concerns raised by Russia and China.

- (i) The proponents of the East Antarctic MPA have worked very hard with several Members and have made a number of concessions since the 2012 proposal. Since then, the proponents have modified the proposal based on a system of closed reserves to an open system in which activities are authorised until such time as a decision by the Commission amends them.
- (ii) The change of name is to make it consistent with what was proposed for the Ross Sea. The proponents suggested that the terminology “representative system” is intended to be reserved to refer to the overall objective which CCAMLR has set itself to achieve for the Southern Ocean.
- (iii) The initial project of seven areas was cut down to three, which are the scientific research areas. These three areas in a single project give some regional consistency, as they conform to the CAR principle (comprehensiveness, adequacy and representativeness) which has been discussed and adopted by the Scientific Committee. The three areas must be considered together, as they complement each other not only in terms of ecological characteristics but also in the activities which will be intended to take place in them. The boundaries were modified a number of years ago according to discussions with different Members.
- (iv) The general objectives are in accordance with paragraph 2 of CM 91-04. CCAMLR-XXXVI/17, Attachment B, clarifies the relationship between the general and specific objectives.
- (v) The issue of climate change has to be considered seriously and it needs to be studied and monitored to establish what the implications are. The scientific reference areas are proposed as laboratories to enable establishing baselines for these changes as the East Antarctic is showing important signs of changes as indicated in papers submitted since 2010 to WG-EMM, the Scientific Committee and in the MPA report and to WG-EMM in 2017 (WG-EMM-17/01 Rev. 1). WG-EMM-17 concluded that the D’Urville Sea–Mertz region “could be used as a reference area to compare with other sites to distinguish changes due to fisheries compared with environmental change”. The proponents proposed a strengthening of the regulation of activities in the D’Urville Sea to continue the long-term monitoring on birds.
- (vi) The science underlying these areas is considered by the Scientific Committee to be the best science available.

- (vii) The proposal clearly allows for addressing the status and trends in marine resources not only of harvested marine resources but also others such as key indicators of these ecosystems.
- (viii) CCAMLR-XXXVI/17, Attachment B, provides research and monitoring priorities, including assessment of whether the MPA will achieve its objectives in accordance with CM 91-04. SC-CAMLR-IM-I/BG/01 is still relevant to the research and monitoring in the region, including cooperation with SCAR and SOOS. The SOOS Working Group on the Indian Ocean sector, which met in August 2017, included Australian, Chinese, French, Indian and Japanese scientists. The proponents were also active in establishing research networks like during the International Polar Year.
- (ix) The future RMP will bring together research not only on fisheries, but also on ecology, evolution, oceanography, data analysis and databases. It will provide a number of guarantees explained in the proposal:
  - (a) paragraph 9(iv) of the proposal stipulates that Members must provide a report every five years on research and monitoring activities
  - (b) paragraph 9(v) stipulates that an RMP will be submitted for adoption by 2018
  - (c) CCAMLR-XXXVI/17, Attachment B, sets out the type of research which is required to be undertaken
  - (d) paragraph 3 provides that the RMP must be revised at least once every 10 years.
- (x) Many of the scientists involved in the East Antarctic are academic researchers and, as such, are required to publish research in peer-reviewed international journals. The scientific performance is made available for evaluation.
- (xi) Concerning threats in response to China's concern, the area is under major environmental changes that are monitored.

The proponents have considered the questions raised by Russia and China and have clarified where the various activities can take place through a straightforward zoning system, and have provided additional information on how the East Antarctic MPA proposal conforms to CM 91-04.

The proponents have not shifted from CCAMLR's unique objective to create a representative system of MPAs within which other MPAs will be created to fill the gaps in our current proposals.'

#### 8.41 Germany made the following statement:

'Germany is disappointed that the East Antarctic proposal did not move forward during this year's CCAMLR meeting. We think that this proposal would have merited far more attention than it has received. In general, we think that CCAMLR should devote more effort on the implementation of MPAs which are based on the best available science. Regarding the East Antarctic proposal, we have not even come to drafting, despite the



immense efforts in advancing the proposal. I would like to ask all CCAMLR Members to join forces again to set up a meaningful network of MPAs in Antarctica, in order to conserve the very distinctive and unspoiled biodiversity that prevails in this special part of the world.'

8.42 The UK made the following statement:

'The UK fully supports the proposal for an MPA in the East Antarctic. We are deeply disappointed that we have, once again, not been able to reach consensus. I fully understand the frustrations expressed by Australia, the EU and France, in particular, who have worked tirelessly to develop the proposal from previous years in line with previously expressed comments and concerns. Notwithstanding the exhaustive responses from the proponents, I would continue to urge those Members who are still not able to support this proposal to make specific suggestions on how they would like the proposal to be further developed. Once again we feel that future potential commercial ambitions are, at least for some, eclipsing the ability of this Commission to deliver on our commitments to agree effective marine protection measures to underpin full delivery of our objectives.'

8.43 New Zealand made the following statement:

'New Zealand thanks Australia and the EU for the updated East Antarctic MPA proposal. We recognise the hard work undertaken by the proponents to engage with Parties at this meeting. The proposal reflects strong scientific and management advice. In our view, the proposal was more than ready for adoption this year.

However, we do recognise some delegations had residual concerns about the proposal. We hope these concerns can be addressed in the upcoming intersessional period.

The proposed East Antarctic MPA will make a contribution to the development of a representative system of MPAs in the Convention Area. It will also make a contribution to research and monitoring in the Convention Area.

We encourage Members to look towards adoption of the East Antarctic MPA next year.'

8.44 The Republic of Korea made the following statement:

'Korea would like to thank the proponents for tabling the revised proposal for the East Antarctic MPA. Being proposed as a multi-use MPA, the East Antarctic MPA will enable the Commission to manage a wide variety of ecosystems in different bioregions, while contributing to the conservation of Antarctic marine living resources. Therefore, Korea strongly supports this proposal and would like to actively engage in the discussion for the conservation of marine living resources in the East Antarctic regions.'

8.45 The USA made the following statement:

'The USA thanks Australia, the EU and its member States for their continued work on developing the proposal for an MPA in East Antarctica. The USA expresses continued support for adoption of an MPA in East Antarctica so that CCAMLR can move towards establishing a representative system of MPAs. The USA supports moving this MPA to the conservation measures drafting group where it looked forward to sharing various technical edits.'

8.46 Spain made the following statement:

‘To begin with, Spain wishes to thank and congratulate the proponents of the East Antarctic MPA for their extraordinary work, and we extend these thanks and congratulations to the proponents of all MPAs.

When we arrived in Hobart this year, we had the firm hope that we would take new steps towards the conservation of Antarctica by adopting new MPAs. We consider that the proposals submitted are supported by the best available scientific information, and that now is the moment to push forward to achieve a system of MPAs.

Now we are returning to our country disappointed, but at the same time we trust that the proponents will not give up hope and will continue to work on their proposals for next year. We can assure them that they will always have Spain’s firm support.’

8.47 Australia, on behalf of its French and EU colleagues, expressed its sincere appreciation for the broad support received for the East Antarctic MPA proposal, especially the specific feedback on the improvements made to the proposal this year. Australia noted most Members considered these strengthened the proposal, including through greater clarity to the objectives on where different activities can take place and that the name change improved consistency with CM 91-04 and the MPA’s contribution to the development of a representative system of CCAMLR MPAs.

8.48 Australia noted that it had answered the questions raised by Members regarding the proposal, including:

- (i) On questions about status and trends of Antarctic marine living resources – this is an overarching question of relevance to the entire CAMLR area. Such questions could be applied to all CCAMLR decisions.
- (ii) On undertaking a threat analysis, CCAMLR is founded on the precautionary approach which does not require the existence of threats prior to taking action to conserve Antarctic marine living resources. The decisions that CCAMLR has made over the past 36 years are consistent with this approach.
- (iii) On harmonising existing conservation measures with the East Antarctic MPA, they had been open and transparent from the beginning about how this proposal will work with other conservation measures.
- (iv) On identifying criteria for assessing the effectiveness of the East Antarctic MPA in meeting its objectives, the RMP will be developed in collaboration with other Members in accordance with CM 91-04, once the East Antarctic MPA has been adopted.
- (v) On the scientific basis of the revisions it had made, it reiterated that the East Antarctic MPA is based on the best available science. The Scientific Committee had affirmed this three times. The revisions are management actions to address environmental changes in the area, but they are entirely consistent with the science underpinning the proposal.

8.49 Australia expressed frustration with repeated efforts to make progress with some Members intersessionally and enquired about the best way to work together. Australia requested Members engage seriously and constructively on this proposal. Australia noted with thanks Members' commitment to work together in this intersessional period.

8.50 Australia noted that MPAs are core business for the Commission and expressed its repeated disappointment that the East Antarctic MPA had not been adopted again this year, especially after the momentum gained with the adoption of the Ross Sea region MPA last year. Australia expressed its resolute commitment to establishing an East Antarctic MPA and further, its commitment to seeing a system of MPAs across the CCAMLR area.

8.51 ASOC made the following statement:

'ASOC feels very frustrated this year, when, once again, an agreement could not be reached to create an MPA in the East Antarctic. This is one of the saddest statements made by ASOC in a long time. We have taken part in this process since it started in 2012. The Bremerhaven meeting was a moment of extreme frustration for our coalition, but at that time we understood that this process had just started and that there was a long way to go.

Regarding the proposal for an MPA in East Antarctica, for many years we have seen how the Members that have developed this proposal have worked hard, systematically and professionally, paying heed to the doubts and uncertainties of a number of other Members, to no avail: at the end of this Commission meeting the necessary consensus for the creation of this MPA has not been achieved. It is also frustrating to see that in the two weeks of work in this meeting we have not heard a single discussion in which the doubts and uncertainties that these Members hold regarding this proposal were explicitly formulated. This fact not only leaves us worried, it also opens up questions as to how the world will perceive CCAMLR's incapacity to advance its conservation objective.

When last year, after long years of hard work, the Ross Sea region MPA was agreed upon, we felt renewed hope with respect to the establishment of MPAs in Antarctica. We observe with great concern the developments in this meeting regarding the discussions of the RMP for the Ross Sea region MPA. This Plan should have come to fruition naturally, allowing the Commission to carry out its work on that MPA. All this is troubling for us, since MPAs are an essential part of CCAMLR's task, particularly when we take into account that the Commission agreed some years ago to establish a representative system of MPAs in the Convention Area. As long as new proposals are being prepared, ASOC will keep on working with those Members that focus their efforts on the conservation of Antarctica by contributing to the establishment of new MPAs. We will definitely not give up our efforts: the conservation of Antarctica is worth it.'

## **Implementation of Convention objectives**

### **The objectives of the Convention**

9.1 Chile noted that, although no discussion was proposed under this item at CCAMLR-XXXVI, it looked forward to facilitating exchanges among Members on this important matter at future meetings.

## Second Performance Review

9.2 The Commission recalled the introduction to the work of the PR2 Panel (CCAMLR-XXXVI/01) provided by the Co-chair of the Panel, Mr Urrutia, summarised in paragraphs 2.6 to 2.12. The Commission expressed its appreciation to the Review Panel for its constructive work in producing a clear concise report containing useful recommendations.

9.3 As the Co-chair had referred the PR2 Report to SCAF, SCIC and the Scientific Committee for early consideration during this year's meetings, he invited the respective chairs to update the Commission on these initial discussions.

### Advice from SCAF

9.4 The Chair of SCAF informed the Commission that the Committee had focused on Chapter 8 of the PR2 Report, and had endorsed Recommendation 29 concerning cost reduction and revenue generation. The Commission looked forward to receiving a report at its next meeting of an assessment of additional cost-reduction and revenue-generating options to support the sustainable financing of the organisation.

9.5 The Chair of SCAF advised that the Committee had noted the Commission, working with the incoming Executive Secretary, would seek to give effect to Recommendation 28 in the scheduled review of the Secretariat's Strategic Plan in 2018.

### Advice from SCIC

9.6 The Chair of SCIC informed the Commission that the Committee had focused on Chapters 5 and 6 of the PR2 Report and had identified the following priority items which could be actioned immediately:

- (i) SCIC requested the Secretariat write to the International Maritime Organization (IMO) to follow up on the progress made on the Polar Code Phase 2 at the May 2018 meeting of the IMO's Maritime Safety Committee (Recommendation 10)
- (ii) SCIC recommended that if the Commission creates a Commission Bureau (Recommendation 20), the SCIC Chair should be included in the Commission Bureau
- (iii) SCIC noted the PR2 Panel's suggestion to amend CM 10-07 to explicitly provide that being a stateless vessel is a basis for IUU vessel listing (Recommendation 13i).

### Advice from Scientific Committee

9.7 The Chair of the Scientific Committee informed the Commission that the Scientific Committee had endorsed Recommendation 19 that the current practice of managing the business of the Scientific Committee through an informal executive group be institutionalised

as a Scientific Committee Bureau, in order to formalise good practice and to improve the efficiency and conduct of business in the Scientific Committee and its working groups. The Scientific Committee agreed the terms of reference for the Scientific Committee Bureau (SC-CAMLR-XXXVI, Annex 12) and agreed that it would be composed of the Scientific Committee Chair, Vice-Chairs and working group and subgroup conveners and the convener of the DMG.

9.8 The Commission noted that the Scientific Committee had tasked the Scientific Committee Bureau with working in the intersessional period to progress recommendations of PR2 for consideration next year.

9.9 Some Members sought clarification on the composition of the Scientific Committee Bureau and the extent of its role. The USA, supported by other Members, noted that the recommendation touched on the internal business of the Scientific Committee, and that the recommendation should simply be noted by the Commission. Australia noted that the terms of reference stated that the Scientific Committee Bureau ‘will act to facilitate and coordinate the work of the Scientific Committee and its working groups. It will not be a decision-making body’ (SC-CAMLR-XXXVI, Annex 12, paragraph 2).

9.10 The Commission welcomed the Scientific Committee Bureau and suggested including the Science Manager in the Scientific Committee Bureau. The UK also suggested the Scientific Committee take note of the gender and geographical diversity of Scientific Committee Bureau members and try to encourage broad participation.

9.11 The Chair of the Scientific Committee informed the Commission that the Scientific Committee had considered an EU proposal to amend the Rules of Procedure of the Commission and the Scientific Committee to enable public access to Commission and Scientific Committee documents on the CCAMLR website (CCAMLR-XXXVI/13).

9.12 Several Members expressed their support for this proposal, noting that it would increase transparency and promote public awareness. Some Members noted that there was a need for sensitivity with respect to some meeting documents that are not peer-reviewed articles, and expressed concern about how the public would interpret and utilise the material that would be released.

#### Consideration of the Commission

9.13 Australia noted that there were a number of proposals with potential for action at this meeting and hoped to see progress on them. In this regard, Australia presented a joint paper with the UK to address Recommendation 20, proposing the establishment of a coordination group, a Commission Bureau for CCAMLR (CCAMLR-XXXVI/21). Australia highlighted that the Commission Bureau would not be a decision-making body, but would instead aim to improve coordination and cooperation, improving linkages across the Commission, its subsidiary bodies and the Secretariat. Australia noted that, among other things, such a body may help to facilitate and assist smaller delegations to participate in discussions across both weeks of meetings. The UK proposed that the Executive Secretary facilitate and support the meeting of key officials during the course of the meeting to ensure a smooth process. The UK hoped the Commission would take particular note of gender and geographical diversity of the Commission Bureau.

9.14 Some Members questioned the role of the proposed Commission Bureau. Many Members reflected on the informal ATCM Bureau and its utility for facilitating those meetings.

9.15 Australia and the UK clarified that the intention of the proposal was to establish an informal group modelled on the ATCM body to help with the efficient running of meetings, with no decision-making role. Australia further clarified that work in the intersessional period was intended to refer only to a short period of time preceding the annual meeting where plans for how to approach the meeting could be discussed and coordinated, but they were willing to take on board the comments from Members and establish the Commission Bureau without this function.

9.16 The Commission noted SCIC's recommendation that the SCIC Chair be included in such a Commission Bureau.

9.17 The Commission agreed to establish an informal Commission Bureau having no formal decision-making authority, comprising the Chair and Vice-Chair of the Commission, the Chairs of the Scientific Committee, SCIC, SCAF and the Executive Secretary.

9.18 The Commission Bureau, under the leadership of the Chair of the Commission, will meet daily, as required, during the annual meeting of CCAMLR with the aim to assist, facilitate and coordinate the work of the respective meetings of the Commission, the Scientific Committee, SCIC and SCAF. The Secretariat will facilitate the convening of the Commission Bureau meetings.

9.19 The Commission will consider the increasing effectiveness of the Commission Bureau arrangement and decide at CCAMLR-XXXVII whether it should continue.

9.20 The Commission considered the proposal by the EU to amend the Rules of Procedure for the Commission and the Scientific Committee to facilitate public access to Commission and Scientific Committee documents and meeting reports posted at the close of respective meetings (CCAMLR-XXXVI/13).

9.21 The Commission expressed support for the aim of promoting greater transparency and accountability and noted the proposal could advance PR2 Recommendation 22.

9.22 Australia thanked the EU and expressed strong support for the proposal, emphasising the importance of transparency and accountability in the Commission's decision-making process.

9.23 Some Members expressed concern regarding the release of documents which were not finalised or which contained sensitive information. Many Members noted that the proposal did not require documents to be provided in cases where authors requested non-disclosure, or if materials contained sensitive data.

9.24 Russia recalled that the current mechanism for working paper distribution, which allowed interested parties to request documents of the Secretariat, which then sought author approval for release, worked well. Russia stressed that, in its view, this mechanism provided sufficient opportunity to disseminate documents whilst also protecting confidentiality.

9.25 The UK noted that the current process was cumbersome and that the EU proposal would allow for public access to documents.

9.26 Japan indicated that there was a need for clear rules on the handling of reports both during and after meetings, as well as an established system of referencing to enable standard referencing to, and within, CCAMLR papers.

9.27 ASOC expressed its full support for the EU proposal. ASOC noted that as an Observer, it is important to be able to have access to documents and information to be discussed in plenary, especially during meetings of the Scientific Committee. ASOC noted its involvement in supporting, financing and coordinating scientific programs which aim to progress Convention objectives, and that more public access to documents would allow for more specific and better-informed contributions from Observers and others.

9.28 The UK proposed the inclusion of an elective box on the submission form or webpage with two options for Members to indicate whether they wished to make Commission or Scientific Committee working or background papers available for release upon request or for such a request to be referred back to the submitting party for consideration before approval.

9.29 China recalled the report of the Scientific Committee and noted concern expressed that documents submitted to the Scientific Committee are not pure scientific works which may not have been peer-reviewed. As such, China noted that proper consideration was required regarding the type of information that was to be released and how it may be received by third parties. China further noted that some papers may contain information which was sensitive to Members other than the author.

9.30 Russia agreed with China and noted that documents prepared using the CCAMLR database may include sensitive primary data regarding Members.

9.31 The Commission agreed to change the administrative rules for the release of working and background papers of the Commission and the Scientific Committee to allow Members to indicate, upon submission, whether the Member or author agreed that the Secretariat may release the document upon receipt of a request from an interested party without referral back to the author. If no such indication was given, the current practice would apply.

9.32 Australia, Chile, the EU, New Zealand, Norway, the UK and the USA indicated that following implementation of a process by which Members could indicate whether they wished to make documents available, they wished the Secretariat to release, upon request to the Secretariat, all their Commission and Scientific Committee working and background papers.

9.33 ASOC presented CCAMLR-XXXVI/BG/28 on enhancing CCAMLR performance. ASOC congratulated CCAMLR on the completion of PR2 and made the following statement:

‘ASOC noted that the Review Panel drew attention to a sense that CCAMLR had become less focused on proactive precautionary ecosystem-based management measures, and more focused on responding to fisheries and fishery research proposals submitted by its Members.

CCAMLR has shown strong leadership on compliance, conservation and management; however, the performance review indicates there is significant room for improvement. Robust compliance is integral to allow for transparency, effective delivery of objectives and good management.

ASOC therefore noted that although CCAMLR has made significant progress on many conservation-based measures, some very important commitments are yet to be

completed. In this context, ASOC drew the attention of Members to the urgent need that CCAMLR and its Members: honour their commitment to creating a representative system of MPAs; embrace an effective compliance mechanism that allows Members to support each other in improving their adherence to conservation measures; implement precautionary management measures for krill fishery management; support the implementation of a CCRWP to consider climate change information decision-making.

ASOC looked forward to CCAMLR's continued efforts to address performance review recommendations and therefore achieve better implementation of the objectives of the Convention.'

9.34 In relation to future work to provide appropriate opportunities for the Commission and Scientific Committee to further consider the PR2 recommendations, the Commission requested:

- (i) the PR2 Report be placed in the public domain on the CCAMLR website with the understanding that the PR2 Report was received as the work of the Panel and was intended to be used for consideration and discussion by Members
- (ii) that the Commission, SCIC, SCAF and the Scientific Committee and its working groups annually review the status of each relevant recommendation
- (iii) the Secretariat to provide annual updates to a matrix, maintained on the CCAMLR website, that records the discussion and action considered in respect of each recommendation at each annual meeting of the Commission and Scientific Committee.

## **Cooperation with Antarctic Treaty System and international organisations**

### **Cooperation with the Antarctic Treaty System**

#### **Cooperation with Antarctic Treaty Consultative Parties**

10.1 The Executive Secretary introduced a summary report for the 40th Antarctic Treaty Consultative Meeting (ATCM XL) (CCAMLR-XXXVI/BG/01) noting that the full report is available to Antarctic Treaty Consultative Parties (ATCPs) and observers to the meeting at: [www.ats.aq/devAS/ats\\_meetings\\_meeting.aspx](http://www.ats.aq/devAS/ats_meetings_meeting.aspx).

10.2 The Commission noted ATCM XL items of relevance, including:

- (i) the status of the Antarctic Treaty, the Madrid Protocol, CCAMLR, the Convention for the Conservation of Antarctic Seals (CCAS)
- (ii) ACAP
- (iii) the status of approval or ratification of Annex VI relating to liability in the event of environmental emergency
- (iv) science matters and scientific collaboration
- (v) implications of climate change for management in the Antarctic Treaty area



(vi) a summary of Decisions taken at ATCM XL of relevance to CCAMLR (CCAMLR-XXXVI/BG/01, Attachment 2 – in consideration of the Second Performance Review Recommendation 4. See: CCAMLR-XXXVI/01)

(vii) the date and venue for ATCM XLI (Ecuador) is currently being revised for 2018.

10.3 The Commission agreed that CCAMLR should be represented at ATCM XLI and CEP XXI by the Executive Secretary and the Chair of the Scientific Committee.

#### Cooperation with international organisations

10.4 A report from the SCAR Observer was presented to the meeting of the Scientific Committee (SC-CAMLR-XXXVI, paragraph 10.5) providing an update on SCAR's extensive range of activities relevant to the work of the Scientific Committee and Commission, highlighting the effective engagement between SCAR and CCAMLR.

#### Reports of observers from international organisations

##### ACAP

10.5 The ACAP Observer made a presentation as follows:

‘ACAP would like to take this opportunity to thank the Commission for its continued commitment of maintaining the monitoring and effective implementation of conservation measures to mitigate the incidental mortality of seabirds in fisheries. During the recent meeting of the ACAP Advisory Committee held in New Zealand, the redesign of best-practice advice documents was agreed. This will surely be of value for the Convention as new documents will present the information in a more clear, up-to-date and targeted manner. These are actions clearly framed in the cooperation between CCAMLR and ACAP, formalised with the Memorandum of Understanding renewed in 2015.

We also appreciate the interest in addressing other issues of relevance to our Agreement, such as the potential of seabird mortality not associated with fishing gear, or the impact of climate change on species distributed in the Convention Area. We envisage the possibility of collaboration and exchange of information in these matters as they have been recently incorporated into ACAP's Advisory Committee work program.

ACAP recently approved the re-launch of its Small-grant and Secondment programs, primarily aimed to increase the capacities in ACAP Parties and Range States. We will certainly inform the CCAMLR Secretariat towards the end of this year when both calls for applications are opened.

Finally, I would like to extend our invitation to CCAMLR Members to increase their participation in ACAP sessions on technical and policy issues of mutual interest.’

## COLTO

### 10.6 The COLTO Observer made a presentation as follows:

‘Thank you to the Commission, for the opportunity to participate as an Observer at your meetings.

It has been another positive year for toothfish fisheries, with historically low levels of IUU fishing apparent, and continued industry support for environmental activities and sustainable fisheries, both inside the Convention Area and in adjacent waters. Our joint paper with ASOC (CCAMLR-XXXVI/BG/29) highlights some of the major achievements on IUU activities this year, and particular thanks go to all those CCAMLR Member nations and agencies who have made such resolute efforts to eliminate IUU fishing. We will continue to remain vigilant and work with all interested parties to constrain and eliminate IUU fishing for toothfish. COLTO will accordingly engage in representation at international specialist shows in order to promote the objectives of COLTO to a wider public.

The COLTO whale depredation program has continued to make good progress. There are two major research programs underway, involving researchers from France and Australia, along with COLTO industry members from Australia, Chile, France, South Africa and the UK. COLTO looks forward to working with scientists from CCAMLR and other organisations over coming years, to identify measures to reduce whale interactions.

A number of COLTO members have also agreed to work through national programs, and SOOS, to gather additional oceanographic and scientific information from data storage tags on longline fishing gear, which we hope will help inform science and industry, on the impacts and implications of climate change on our fisheries. Additionally, some of our members are using cameras to improve information on benthic habitats. These data collections are likely to be part of a longer-term program of analyses following substantive progress in the CCAMLR and COLTO industry/science collaboration.

It was pleasing to see the results of the COLTO tag lottery draw last week, which encourages crew and officers of toothfish boats to participate in the toothfish tagging programs in exploratory fisheries. Our members have agreed to provide a A\$1 000 reward again for the coming season.

COLTO is committed to building on the good will, collaboration and communication amongst all of us that will generate progress towards ensuring continued sustainable healthy fisheries for toothfish.’

## ASOC

### 10.7 The ASOC Observer made a presentation as follows:

‘ASOC and its member groups thank the Commission for the opportunity to participate in its 36th annual meeting. ASOC has submitted nine background papers on a variety of issues relevant to the work of the Commission, including on MPAs, krill fisheries management, climate change, IUU fishing and marine debris.

During the intersessional period, ASOC and its member groups have worked to enhance the conservation and preservation of Antarctica. We have continued to advocate for the creation of MPAs in East Antarctica, the Weddell Sea and the Antarctic Peninsula as well as implementation of the Ross Sea region MPA through a robust RMP. As those who attended the ASOC function on Monday night have heard, this year ASOC and its member organisations are highlighting our contributions to science that can inform policies on Antarctic marine conservation.

ASOC is part of the Antarctic Wildlife Research Fund, which has awarded funding to three research projects relevant to ecosystem-based management of the krill fishery. ASOC itself has partnered with the Hogwarts Running Club to fund scientific research relevant to CCAMLR's work, including a project conducted by Dr Ari Friedlaender. ASOC Member WWF has already been supporting the work of Antarctic scientists including Dr Friedlaender, an ecologist at the University of California, Santa Cruz. He is studying predator–prey interactions between baleen whales and krill. Studying baleen whale foraging areas and the overlap with krill fishing areas will help us to better understand the role of whales in the ecosystem and contribute to spatial planning and the management of the krill fishery in the Convention Area.

ASOC Member, the Pew Charitable Trusts, has also renewed its decade long commitment to fund science-based Antarctic policy work. This includes several new Pew Marine Fellow projects focused on Antarctica, as well as other researchers addressing critical knowledge gaps in the region. Examples of Pew-supported research include analyses of Antarctic Peninsula killer whale dynamics, ecosystem modelling to consider the impacts of climate change and krill fishing on the Antarctic Peninsula region ecosystem, and identification of Important Bird Areas on the Antarctic continent and in the Southern Ocean. Pew supported the Third International Krill Symposium this year which helped to further the scientific community's collective understanding of Antarctic krill.

Finally, we are pleased to report that in January to March 2018, our member organisation Greenpeace will bring an ice-strengthened ship named the *Arctic Sunrise* to Antarctic waters. The focus of the expedition will be to strengthen and support proposals to establish new MPAs in the Weddell Sea and the Antarctic Peninsula. Using a manned submersible, the organisation will work with independent scientists to conduct video surveys of seafloor areas. Data on VMEs documented during the expedition will be shared with CCAMLR.

With all of these activities, ASOC aims to support CCAMLR in implementing the objectives of the CAMLR Convention and protecting Antarctic marine ecosystems for generations to come.'

## ARK

### 10.8 The ARK Observer made a presentation as follows:

'ARK has been formally invited as an Observer to the Scientific Committee since 2012, and this invitation was renewed in 2017 for which ARK thanks the Commission. The aim of ARK is to assist the krill fishing industry to work with CCAMLR to ensure the sustainable management of the fishery.

ARK now has five member companies: Aker BioMarine, Rimfrost, Insung Corporation, China National Fisheries Corporation (CNFC) and Deris S.A (Pesca Chile), with more companies currently considering invitations to join ARK. Over 80% of the current krill catch is being taken by ARK members.

In the past year, ARK:

- continued the dialogue with the International Association of Antarctica Tour Operators (IAATO) with the aim of furthering understanding between the fishing and the tourism industries
- furthered the development of acoustic transects by fishing vessels through the deployment of one acoustic calibration kit for use by ARK members
- hosted a successful workshop at the Third International Krill Symposium in St Andrews, Scotland.

ARK notes that the creation of an Expert Group on the Domain 1 MPA development will include members of the fishing industry. ARK believes that any further development of MPA proposals for the Peninsula region needs to involve considerable discussion with the krill fishing industry and ARK members are available to assist.

ARK reminds the Commission that CM 51-07, which subdivides the krill trigger level in Area 48, will expire in 2021. ARK considers finding a more lasting mechanism for spreading out the krill catch is a matter of urgency and will work constructively with the Scientific Committee to find a timely solution that will achieve the aims of Article II of the Convention.

ARK notes Recommendation 24 of the PR2 Report: Mechanisms to be considered and implemented for the participation of experts and observers in the work of the subsidiary bodies of the Commission and the Scientific Committee. ARK suggests that expert input from the krill fishing industry to WG-EMM will be essential in the development of future management procedures for the krill fishery. ARK is in a good position to provide such expertise.

ARK thanks CCAMLR for the opportunity to observe during the 2017 annual meetings of the Scientific Committee and Commission and looks forward to working with CCAMLR in the intersessional period.'

## Oceanites

10.9 The Oceanites Observer made a presentation as follows:

'In SC-CAMLR-XXXVI/BG/19, Oceanites summarised recent activities championing science-based conservation and increased awareness of climate change and its potential impacts through the lens of penguins and Antarctica, including:

- results from the latest, 23rd consecutive field season of the Antarctic Site Inventory

- update on the Mapping Application for Penguin Populations and Projected Dynamics (MAPPPD)
- results from a data science competition focused on forecasting penguin populations using data from MAPPPD
- State of Antarctic Penguins 2017 Report and Penguin Conservation Efforts
- update on Oceanites' Climate Challenge analyses
- camera work and additional research with Penguin Watch at the University of Oxford (UK)
- recent scientific papers.

Oceanites looks forward to assisting Members and the Scientific Committee and its working groups with scientific data and analyses that further the work of CCAMLR in achieving its ecosystem-based conservation objectives.'

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

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

- CCAMLR-XXXVI/BG/01 – Summary report – Fortieth Antarctic Treaty Consultative Meeting (Beijing, China, 23 May to 1 June 2017).
- CCAMLR-XXXVI/BG/09 – Report from the CCAMLR Observer (Australia) to the Fourth Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA) (Flic en Flac, Mauritius, 26 to 30 June 2017).
- CCAMLR-XXXVI/BG/10 – Report from the CCAMLR Observer (Australia) to the Fifth Meeting of the Parties of the South Pacific Regional Fisheries Management Organisation (SPRFMO) (Adelaide, Australia, 18 to 22 January 2017).
- CCAMLR-XXXVI/BG/11 – Report from the CCAMLR Observer (EU) on the 91st Meeting of the Inter-American Tropical Tuna Commission (IATTC) (Mexico City, Mexico, 24 to 28 July 2017).
- CCAMLR-XXXVI/BG/12 – Report from the CCAMLR Observer (EU) to 21st Annual Meeting of the Indian Ocean Tuna Commission (IOTC) (Yogyakarta, Indonesia, 22 to 26 May 2017).
- CCAMLR-XXXVI/BG/13 – Report from the CCAMLR Observer (USA) to the 39th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) (Montreal, Canada, 18 to 22 September 2017).

- CCAMLR-XXXVI/BG/15 – Report from the CCAMLR Observer (USA) on the 20th Special Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) (Vilamoura, Portugal, 14 to 21 November 2016).
- CCAMLR-XXXVI/BG/33 – Report from the CCAMLR Observer (Norway) to the 35th annual meeting of the North-East Atlantic Fisheries Commission (NEAFC) (London, UK, 14 to 18 November 2016).
- CCAMLR-XXXVI/BG/34 – Report from the CCAMLR Observer (Republic of Korea) to the Thirteenth Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC) (Denarau Island, Fiji, 5 to 9 December 2016).
- CCAMLR-XXXVI/BG/35 – Report from the CCAMLR Observer (New Zealand) on the 10th Advisory Committee Meeting of the Agreement for the Conservation of Albatrosses and Petrels (ACAP) (Wellington, New Zealand, 11 to 15 September 2017).

10.11 The Chair introduced CCAMLR-XXXVI/BG/06 and invited nominations for CCAMLR Observers to these meetings (Table 1).

#### Cooperation with regional fisheries management organisations

##### CCSBT

10.12 The Executive Secretary recalled the endorsement of the Memorandum of Understanding (MoU) between CCSBT and CCAMLR in October 2015 (CCAMLR-XXXIV, paragraph 10.17) and noted that the MoU expires in 2018.

##### WCPFC

10.13 The Executive Secretary recalled that the MoU with WCPFC was renewed in 2013 and has no fixed term.

##### SPRFMO

10.14 The Commission recalled its endorsement to establish an MoU with SPRFMO (CCAMLR-XXXIV, paragraph 10.19) and noted that the arrangement was approved by SPRFMO members and signed in January 2016 for a three-year period. CCAMLR is currently cooperating with SPRFMO in relation to toothfish research being undertaken in the SPRFMO Convention area.

10.15 New Zealand and the USA noted that for fishing occurring in areas to the north of Subareas 88.1 and 88.2 outside the Convention Area, CCAMLR should work with SPRFMO to receive any toothfish tag-recapture data, length frequency, and other catch-related statistics from SPRFMO as well, as toothfish stocks may be contiguous between CCAMLR and SPRFMO management areas. New Zealand further noted that it has been conducting researching fishing in the SPRFMO area and that this data has been shared with SPRFMO and the Secretariat.

## SIOFA

10.16 The Commission recalled the request during CCAMLR-XXXV for the Executive Secretary to engage with SIOFA in the intersessional period (CCAMLR-XXXV, paragraph 10.24). The Executive Secretary noted that a draft was considered by SIOFA in June and was returned with suggested amendments for formal adoption.

10.17 The Commission considered the draft and adopted a revised arrangement for SIOFA's consideration. The Executive Secretary agreed to initiate consultations with SIOFA following CCAMLR-XXXVI. Progress will be reported back to the Commission either in the intersessional period or to CCAMLR-XXXVII.

10.18 The USA noted that fishing vessels operating in SIOFA fisheries should be made aware of the desire of CCAMLR to receive from the SIOFA Secretariat any toothfish tag recaptures.

## SEAFO

10.19 The Commission recalled the request during CCAMLR-XXXV for the Executive Secretary to engage with SEAFO in the intersessional period (CCAMLR-XXXV, paragraph 10.24). The Executive Secretary noted that SEAFO had agreed to an arrangement with CCAMLR in June 2017.

## **2018 budget and forecast budget for 2019**

11.1 The Executive Secretary advised that no further budgetary matters had arisen in the Commission since SCAF's approval of the budget for 2018 and the forecast budget for 2019. As a result, the Commission approved the budget for 2018 and the forecast budget for 2019 as presented in Annex 7, Appendices II and III with the associated schedule for assessed contributions for 2018 (Annex 7, Appendix IV).

## **Other business**

### Global Environment Facility Proposal

12.1 The Commission considered CCAMLR-XXXVI/02 regarding GEF funding to support capacity building in GEF-eligible CCAMLR Member countries (GECMC). The proposal was introduced by South Africa on behalf of Chile, India, Namibia and Ukraine with an invitation to endorse the proposal so that the further drafting of project documentation could proceed.

12.2 Many Members affirmed their support for capacity-building as a general principle and noted that SCAF had had some initial discussion regarding the proposal (Annex 7, paragraphs 37 to 42). Noting the value of the General Science Capacity Special Fund in relation to capacity building, it was proposed that the Commission examine the use of existing Special Funds as alternative sources of assistance for capacity building and suggested SCAF take up the issue of capacity building as part of its agenda next year.

12.3 Many Members noted that elements of the current GEF project proposal do not reflect the views of all CCAMLR Members. They noted that the Project Identification Form (PIF) was not circulated to Members nor approved by the Commission, and that there are elements of the PIF document that they do not recognise and do not agree with and that are not consistent with the Antarctic Treaty System. These Members also noted concerns about the lack of clarity provided on a number of important aspects in the proposed project, which are reflected in the SCAF report (Annex 7, paragraph 38). These concerns included:

- (i) the institutional relationship between the UN and the Antarctic Treaty System and the lack of clarity about the possible imposition of UN procedures on CCAMLR during project implementation
- (ii) the timetable for completion of the project document drafting stage over the next 12 months
- (iii) the inaccurate and incomplete information that had been incorporated into the PIF
- (iv) concerns relating to the process and decision-making which had been restricted to the Secretariat and a small number of CCAMLR Members, whereas all CCAMLR Members should have been involved in the development and approval of the proposal and the project documents. In this regard, it was noted that all documents submitted to GEF or any external body should be agreed by the Commission by consensus. An agreed intersessional process should be applied if a document could not be submitted to the Commission's annual meeting for approval by consensus
- (v) the role of the Secretariat and the potential implications for Secretariat services
- (vi) financial obligations in relation to securing GEF funding, the role and extent of co-financing required and how these obligations might impact on both CCAMLR and its Members.

12.4 The proponent Members thanked the Commission for its in-principle support for capacity building. They were of the view that the proposal provides a unique opportunity to contribute to achieving the capacity building required in a meaningful and practical way. They reassured the Commission that there had been extensive consultation between the proponents on managing the relationship between the Commission and GEF, and maintaining the Commission as the paramount decision body was foremost in this regard.

12.5 South Africa, on behalf of the GEF-eligible CCAMLR Members, convened a small group to further discuss the concerns and questions of other Members in relation to the proposal. On the basis of these discussions, and subsequent deliberations in plenary, on behalf of the proponents, South Africa presented responses to questions that had been raised.

12.6 Members thanked South Africa for addressing the concerns relating to this proposal and for the valuable side discussions on capacity building; however, it was recalled that the PIF had not been circulated to Members prior to the meeting of the Commission, and that the document had not followed CCAMLR procedures for approval, which remained a central concern for some Members.



12.7 Many Members noted that all documents written on behalf of CCAMLR, or documents that are authored by CCAMLR, must be approved by the Commission either at the annual Commission meeting or following intersessional decision-making procedures (Rules of Procedure 4a) and 7).

12.8 South Africa made the following statement:

‘The South African Delegation would like to thank all the delegations that have made interventions in this matter. Those include the USA, Australia, the UK, and many others that are in support of the project as presented by the GEF-eligible countries. We would like to state it categorically, that it was not the intention of all the proponents of this project to undermine or at worst to totally disregard policies or the Rules of Procedure of CCAMLR. If there are prominent views along those lines, or a perception that we have erred in following the Rules of Procedure of CCAMLR, that is highly regrettable and we are sincerely apologetic to those views. Our interest is to see the project succeed, not only for us or the other GEF-eligible countries, but for the benefit of CCAMLR as a whole. Therefore, given all the concerns that have been raised by some Member countries, South Africa would kindly appreciate it if all those concerns could be forwarded to the proponents of this project. To be precise, that would be specific problems or concerns that they have identified in the PIF, so that our delegation can respond to each and every one of those concerns individually. That would be what the South African Delegation would appreciate most, as that would serve as an acceptable basis from which to progress.’

12.9 The proponents agreed to present a proposal for a way forward to the Commission for its consideration and approval. Many Members stated that the following issues should be addressed in this proposal:

- (i) Key principles –
  - (a) core Secretariat services should not be compromised, any staff resources that are dedicated to this effort should be funded from GEF project development and/or grant funds, and any additional staff that will work within the Secretariat should be contracted in that regard to manage administrative and other tasks associated with the grant
  - (b) a clear detailed plan should be proposed outlining the Secretariat’s role in relation to project development and implementation
  - (c) the role of the Scientific Committee should be clearly outlined, including its leading role in scientific understanding of the Southern Ocean
  - (d) project documentation should clearly specify the independence of the Antarctic Treaty System, should consider any implications for the Antarctic Treaty System from the project, and any possible implications for the Antarctic Treaty System in relation to other organisations (e.g. the UN), and include mitigation measures for any implications identified, particularly in relation to CCAMLR’s independence and competence
  - (e) co-financing needs to be clearly and specifically accounted and presented for review in the draft proposal.

(ii) Process –

- (a) regular communication to Members about the proposal process needs to be provided
- (b) a draft proposal should be provided to Members for review and comment
- (c) a revised draft subsequently provided to Members for intersessional approval in accordance with Rules of Procedure 4(a) and 7 before it is submitted to the UNDP in August 2018
- (d) final approval of the Project Document to be submitted to GEF in November 2018 must be agreed by the Commission at its meeting in October 2018
- (e) the review and appraisal of the project, and approval of any further project documents to be developed, must be agreed by the Commission
- (f) the first quarterly progress report to GEF to outline concerns raised by Members of CCAMLR during this meeting and that CCAMLR Members did not approve the PIF, which contained many inaccuracies. Further, that the CAMLR Commission requested that Members be kept informed of, and approve, all documents submitted to GEF by consensus in accordance with CCAMLR's Rules of Procedure.

12.10 On the final day of the Commission meeting, a further proposal was circulated by the proponents. Many Members remained concerned about the proposal which contained elements that they do not recognise and do not agree with and that are not consistent with the Antarctic Treaty System. No consensus was reached to progress this proposal.

12.11 Ukraine made the following statement:

‘Ukraine expresses its gratitude to delegations that acknowledged that capacity building is a critical matter for the Commission. In the absence of other obvious sources of funding, other than the quite limited voluntary General Science Capacity Special Fund, the GEF proposal offered a real opportunity – not only for the initial four-year term for the current proposal – but beyond that. The GEF project is a real opportunity for Ukraine and the other four participating countries to increase effectiveness of their participation in the Commission activities, to contribute in a meaningful way to the achievement of the Convention objectives and to strengthen CCAMLR. Ukraine is of the view that the proposed activities are meant to contribute to the Commission's work in a positive way – we are acutely aware of the need to insulate the Antarctic Treaty System from other external influences that are unacceptable in the Antarctic Treaty System. Ukraine is disappointed that we have not been able to grasp this opportunity where there has been widespread acknowledgement in CCAMLR of the need to address important matters such as burden sharing, equity of participation and capacity building. In any case, Ukraine is grateful for the discussion in the Commission concerning this matter. It was very educational and a valuable experience that we will reflect on if we ever undertake a similar activity in the future.’

12.12 Chile made the following statement:

‘Chile believes that capacity building in an organisation such as CCAMLR is very important in order to ensure active participation in equal terms by all of its Members, as well as to promote better compliance with the conservation measures agreed upon in this forum. Chile also wishes to express disappointment for the inability to reach consensus within the Commission. There is no access to funds in order to promote capacity building within the Antarctic Treaty System, and we therefore regret that it has not been possible to carry out this project. The PR2 presented this year refers to the need to create capacity and this proposal aimed precisely at that. Chile acknowledges and appreciates the efforts made by Members that offered their support in the Commission, to the four other Members participating in this project and the support of the Secretariat seeking to promote better participation in CCAMLR. We consider this to be a clear demonstration of the efforts made by the proposing countries seeking for better performance in different areas of implementation of the Convention.’

12.13 South Africa made the following statement:

‘The South African delegation wishes to extend its sincere gratitude, equally, to all delegations that supported our GEF funding efforts and those that did not support it. It has indeed been an experience and a journey of revelation on our part of the contrasting nature of the present day CCAMLR, that of a united organisation as well as a highly polarised organisation. What the South African Delegation is still pondering on is whether to attribute those special and unique characteristics of CCAMLR, in our view, to any form of obstinacy or not. The proponents have been reassured numerous times during the discussion that it is not about “Capacity building” as that is supported immensely by everyone, but is about the processes – to that we say we understand.

Perhaps at this stage it would be appropriate to state the obvious, that South Africa is a signatory to the Antarctic Treaty Systems, not to mention that it is as well a founding Member of CCAMLR. In essence, what this means is that the Republic of South Africa, like any of the Members sitting around the table, subscribes fully to the founding principles and objectives of these organisations. That South Africa believes that it is not only a custodian of the said objectives and principles, but its resolve to defend the independence and existence of these institutions from any form of incursion, is by no means less vigilant than any of the Members sitting around this table. The South African Delegation is equally aware, for good reason, of the fact that the Antarctic Treaty System always strived to keep itself outside the realms of the UN treaty system.

To us that measure, as well as the responsibility of each Member State or Contracting Party, is well articulated in Article XXII of the Convention wherein it is stated that, “Each Contracting Party undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity contrary to the objective of this Convention”. That at least is the understanding of the South African Delegation in as far as its responsibilities are concerned in guarding against any form of activity that is likely to have a negative impact to CCAMLR. Furthermore, in our interpretation, we are of the view that this particular provision recognises that the Commission not only acts in its own interests, but that it strives to do this in a manner that affords due respect for international legal and diplomatic norms.

With regards to formation of partnerships, in particular with the UN and its agencies, the views of the South African Delegation were that it is an exercise that is not only acceptable but permissible to the Convention. To our delegation, at least, that carried more weight if it is about a meaningful intervention to address the plight of the developing nations. For example, capacity building. The view that we hold on this matter is derived from Article XXIII.2 of the Convention wherein is stated that “The Commission and the Scientific Committee shall cooperate, as appropriate, with the Food and Agriculture Organization of the United Nations and with other Specialised Agencies”. Paragraph 4 of Article XXIII, in our view, puts the matter beyond any form of doubt as it states that “The Commission may enter into agreements with the organisations referred to in this Article and with other organisations as may be appropriate”. The question that our delegation has is, what can be more appropriate than addressing the plight of the developing nations, especially capacity building? In our view, the above Articles do not preclude the Commission entering into understandings with any of the organisations that might assist the meeting of the Convention objectives as well as its effective implementation. However, if our reading and interpretation of the two Articles as referenced above is somehow off the mark, the South African Delegation would welcome any means that will serve to enlighten us for future reference. Furthermore, the South African Delegation would like to bring to the attention of the Commission that, as a matter of fact, South Africa, as is the case with all the Members of CCAMLR, has a right to be serviced by the Secretariat. However, it should be noted that our needs are different as our situations are different, and the Secretariat has to skillfully navigate through that complicated environment. The role that it played in the coordination of the GEF proposal is but one example of that. We would like to emphasise the Secretariat played a coordination role, and that the GEF-eligible countries wrote the document. This emphasis is mainly to address what the South African Delegation felt as a bit condescending on the ability of GEF eligible countries, as some Heads of Delegation insinuated during the plenary and margin consultations that the document was written by the Secretariat.

In conclusion, once more the South African Delegation would like to thank equally all the Contracting Parties that understood fully well what we were proposing and supported it, and those that did not support it. We hold firm of the view that whilst the Commission has every right to proceed in a manner that would have been beneficial to CCAMLR in its entirety, we all failed to do so. South Africa feels that the focus was more on the risks and threats than opportunities that this project would have presented. There are several interpretations that can be assigned to this kind of behaviour, of which one would be blocking access of developing nations to developmental finance. To that end, we will still pursue the matter and an ideal situation would be to pursue the matter inside of CCAMLR, i.e. following all CCAMLR due processes. Alternatively, South Africa would exercise its sovereign right and look at other available opportunities. Even though that may be the case, we as the GECMCs warmly welcome other Members’ guidance on how the ALME project proposal might be advanced by countries concerned, and by the Commission as a whole.

Enkosi (Thank you).’

## Other business

12.14 Argentina took the opportunity to express its gratitude for the cooperative spirit of the UK and other Members and Observers which was evidenced during the meeting in addressing certain CCAMLR matters which are sensitive to its delegation. The UK echoed these thanks and expressed gratitude to the Argentine delegation for the positive cooperation during the meeting.

12.15 The Netherlands made the following statement:

‘By coincidence today, 26 October, around noon in the Netherlands, the new Dutch cabinet will be sworn in. That is 215 days after the elections, so yes, we like to take our time on political issues. The reason I am telling you this, is that technically speaking, I do not have a minister for the next 10 hours or so. So, everything I am about to say is formally pending approval of the new Dutch government. But rest assured, the former government already agreed on this, so I am pretty confident.

Mr Chair, dear colleagues, distinguished delegates, it is a personal honour to make this short statement on behalf of the Kingdom of the Netherlands. The Netherlands has been a Consultative Party to the Antarctic Treaty since 1990 and we signed the Madrid Protocol on the Environmental Protection of Antarctica. In that same year 1990, when we became a Consultative Party to the Antarctic Treaty, the Netherlands became an Acceding State to the CAMLR Convention. Somehow it took us 27 years to consider a full membership of the CAMLR Commission. As I have said before, we like to take our time on political issues. There were presumably good reasons behind this, but maybe some things are best left in the mist of times.

So, distinguished delegates, I am very happy to inform this meeting of the Dutch intention to start the process of requesting full membership of the CAMLR Commission. We will have to follow Dutch national legal procedures and of course the procedures of the CAMLR Convention. It is our intention to apply for full membership in 2018, so that at the next annual meeting in 2018 everybody at the Commission table has to squeeze in a little. And I apologise for that.

The basis for our application will be Article VII.2(b): each State Party which has acceded to this Convention pursuant to Article XXIX shall be entitled to be a Member of the Commission during such time as that acceding Party is engaged in research or harvesting activities in relation to the marine living resources to which this Convention applies.

More specific, our interest is in the main objective of the Convention in Article II, the objective of this Convention is the conservation of Antarctic marine living resources. To apply, we have to inform the Depository on the basis of our request. So, we will send a diplomatic note to the Depository Australia to set out the basis of our application. I would like to inform this meeting that the basis on which we seek full membership is, and will be, scientific research and the conservation of Antarctic marine living resources.

Of course, the Netherlands will respect and honour its obligations and its ambitions under international law, other treaties and international legal and political arrangements. And being a member of the EU, we will do so while respecting the EU’s internal and external legal arrangements.

And, still having the floor, I would like to thank Mr Andrew Wright for all his good work, and although our official application will be next year, the preparations and the decision was made on Andrew's watch. So, thank you very much, Mr Wright.

Oh, and Andrew, by applying in 2018, in a certain way we saved you from the problem of squeezing our name in on that glass plate at the entrance.'

12.16 The Commission warmly welcomed the Netherlands to the CCAMLR family and expressed interest in future collaborations. Members noted that they were happy to assist with the facilitation of the Netherlands' membership.

## **Administrative matters**

### **General matters**

13.1 The Commission noted the importance of careful adherence to agreed procedures. The Commission asked the Secretariat and Chair to consult with all Members in the event of any uncertainty in the application of such procedures in future before taking any steps that might be seen as a departure from these procedures. If such steps are taken, in contradiction of the decisions adopted by the Commission, they should be null and void.

### **Appointment of Executive Secretary**

13.2 The Chair reported to the Commission that a selection committee comprising the Heads of Delegations of Commission Members had selected Dr D. Agnew (UK) to take over from the present Executive Secretary and that Dr Agnew had accepted the appointment. The Commission congratulated Dr Agnew on his appointment and looked forward to welcoming him to his new role on 9 April 2018.

### **Election of officers**

13.3 The Commission elected Germany to the position of Vice-Chair of the Commission for the 2018 and 2019 meetings.

13.4 The Commission noted the gratitude expressed by SCIC to Ms Kim for chairing this year's meeting and further noted that Ms Kim would continue as the SCIC Chair in 2018.

13.5 The Commission thanked Dr Jones for taking on the interim role of Chair of SCAF this year and invited Members to nominate candidates for the position of Chair for the SCAF meeting next year.

## Invitation of Observers

13.6 The Commission will invite the following to attend the Thirty-seventh Meeting of the Commission as Observers:

- non-Member Contracting Parties – Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, the Netherlands, Islamic Republic of Pakistan, Republic of Panama, Peru and Vanuatu
- NCPs participating in the CDS who are involved in harvesting or landing and/or trade of toothfish – Singapore and Ecuador
- NCPs not participating in the CDS but possibly involved in harvesting, landing and/or trade of toothfish – Antigua and Barbuda, Brunei Darussalam, Colombia, Costa Rica, Dominican Republic, Indonesia, Islamic Republic of Iran, Libya, Malaysia, Mali, Mexico, Mongolia, Nigeria, Philippines, Tanzania, Thailand, Trinidad and Tobago, United Arab Emirates and Viet Nam.

13.7 The Executive Secretary advised the Commission that a list of NCPs to be invited to CCAMLR-XXXVII will be circulated to Members for comment prior to meeting invitations being issued in July 2018.

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

13.9 The following non-governmental organisations will be invited: ARK, ASOC, COLTO and Oceanites.

## Date and location of the next meeting

13.10 The Commission agreed that its Thirty-seventh Meeting will be held at the CCAMLR Headquarters building (181 Macquarie Street) in Hobart, Australia, from 22 October to 2 November 2018. Heads of Delegations were requested to be in Hobart for a meeting in the afternoon of 21 October 2018.

13.11 The Commission noted that the Thirty-seventh Meeting of the Scientific Committee will be held in Hobart from 22 to 26 October 2018.

## Report of the Thirty-sixth Meeting of the Commission

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

## **Close of the meeting**

15.1 At the close of the meeting, the Chair thanked the Commission for bringing their usual passion and commitment to the meeting. He recognised that for some there will be satisfaction, while for others there may be disappointment at the outcomes, to the former he hoped they could now move to implementation while for the latter he encouraged a redoubling of efforts to make progress in the future.

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

15.3 On behalf of the Commission, Mr M. Gowland (Argentina) expressed the gratitude of all participants and congratulated the Chair for maintaining a calm and positive approach during what had, at times, been an ‘interesting’ meeting.

15.4 On behalf of the Commission, Mr Gowland and Dr X. Zhao (China) congratulated Mr Wright at the completion of his two successful terms as Executive Secretary. They noted that during this time he had introduced many improvements in the Secretariat and in the organisation of the meetings. The Commission thanked Mr Wright and wished him well in the future.

15.5 The Executive Secretary thanked the Chair, noting that it had been a privilege to work with him over the past 12 months in preparing for, and managing, the meeting. He also thanked all Secretariat staff, including contractors, interns and casual staff, for their preparation and professional and technical support to the meeting. The Executive Secretary thanked the participants, including those participants from previous meetings, and hoped that the Commission could find ways to improve efficiency during its two weeks of meetings in order that time spent on administrative and technical issues did not restrict the time available for discussion of more strategic and substantive matters. He congratulated Dr Agnew as the incoming Executive Secretary and assured him and the Commission that they had a Secretariat that would be the envy of any organisation.

15.6 The Chair declared CCAMLR-XXXVI closed.



Table 1: List of 2017/18 meetings of organisations or arrangements with nominated observers for the Commission.

Entity	Dates (where available)	Venue (where available)	Observer
The Agreement for the Conservation of Albatrosses and Petrels (ACAP) MoP	Second quarter 2018	Date and venue to be confirmed	Argentina
The Antarctic Treaty Consultative Meeting (ATCM)	Tentatively early June 2018	Quito, Ecuador	Executive Secretary
The Food and Agriculture Organization of the United Nations (FAO) COFI	Third quarter of 2018	Rome, Italy	Executive Secretary
The Commission for the Conservation of Southern Bluefin Tuna (CCSBT)	Date and venue to be confirmed		
The Inter-American Tropical Tuna Commission (IATTC)	August/September 2018	Guatemala	European Union
The International Commission for the Conservation of Atlantic Tunas (ICCAT)	14 to 22 November 2017	Marrakech, Morocco	USA
The Indian Ocean Tuna Commission (IOTC)	May 2018	Bangkok, Thailand	Australia
The World Conservation Union (IUCN)	2020	Date and venue to be confirmed	
The International Whaling Commission (IWC)	3 to 14 September 2018	Brazil	Japan
The Northwest Atlantic Fisheries Organization (NAFO)	Date and venue to be confirmed		
The North East Atlantic Fisheries Commission (NEAFC)	13 to 17 November 2017	London, UK	Norway
The South East Atlantic Fisheries Organisation (SEAFO)	27 to 30 November 2017	Swakopmund, Namibia	European Union
The Southern Indian Ocean Fisheries Agreement (SIOFA)	25 to 29 June 2018	Thailand	Australia
The South Pacific Regional Fisheries Management Organisation (SPRFMO)	30 January to 3 February 2018	Lima, Peru	Chile
The United Nations Environment Programme (UNEP)	4 to 6 December 2017	Nairobi, Kenya	Argentina
The Commission for the Conservation and Management of the Highly Migratory Fish Stocks of the Western and Central Pacific Ocean (WCPFC)	3 to 8 December 2017	Philippines	Republic of Korea



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CCAMLR-XXXVI/03	Examination of the audited financial statements for 2016 Executive Secretary
CCAMLR-XXXVI/04	Review of the 2017 Budget, Draft 2018 Budget and Forecast Budget for 2019 Executive Secretary
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CCAMLR-XXXVI/06	Trade data analysis Secretariat
CCAMLR-XXXVI/07	Review of the Arrangement for the Access and Use of CCAMLR Vessel Monitoring System Data for Maritime Search and Rescue between CCAMLR Secretariat and Competent Maritime Rescue Coordination Centres Secretariat
CCAMLR-XXXVI/08	CCAMLR synthetic aperture radar satellite imagery project proposal Secretariat
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CCAMLR-XXXVI/11	Report of the Intersessional Correspondence Group on Sustainable Financing for 2016/17 Secretariat

CCAMLR-XXXVI/12	EU proposal to amend CM 10-08 (2009) Delegation of the European Union
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CCAMLR-XXXVI/30 Rev. 1	Marine protected areas (MPAs) established in the CAMLR Convention Area Delegation of the Russian Federation
CCAMLR-XXXVI/31	CCAMLR Compliance Evaluation Procedure (CCEP) Secretariat
CCAMLR-XXXVI/32	Report of the Standing Committee on Implementation and Compliance (SCIC)
CCAMLR-XXXVI/33	Report of the Standing Committee on Administration and Finance (SCAF)
CCAMLR-XXXVI/34	Report of the Thirty-sixth meeting of the Scientific Committee (Hobart, Australia, 16 to 20 October 2017)

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CCAMLR-XXXVI/BG/01	Summary report Fortieth Antarctic Treaty Consultative Meeting (Beijing, China, 23 May to 1 June 2017) Executive Secretary
CCAMLR-XXXVI/BG/02 Rev. 2	Fishery notifications 2017/18 Secretariat
CCAMLR-XXXVI/BG/03 Rev. 1	NCP Engagement Strategy Secretariat
CCAMLR-XXXVI/BG/04	Description of the General Fund Budget Secretariat
CCAMLR-XXXVI/BG/05 Rev. 1	Overview of global trade in toothfish ( <i>Dissostichus</i> spp.) Secretariat
CCAMLR-XXXVI/BG/06	Calendar of meetings of relevance to the Commission in 2017/18 Secretariat
CCAMLR-XXXVI/BG/07	Compliance and the CCAMLR website Secretariat
CCAMLR-XXXVI/BG/08	Training on CCAMLR and its current conservation measures Delegation of Chile
CCAMLR-XXXVI/BG/09	Report from the CCAMLR Observer (Australia) to the Fourth Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA) (Flic en Flac, Mauritius, 26 to 30 June 2017) CCAMLR Observer (Australia)
CCAMLR-XXXVI/BG/10	Report from the CCAMLR Observer (Australia) to the Fifth Meeting of the Parties of the South Pacific Regional Fisheries Management Organisation (SPRFMO) (Adelaide, Australia, 18 to 22 January 2017) CCAMLR Observer (Australia)
CCAMLR-XXXVI/BG/11	Report from the CCAMLR Observer (European Union) on the 91st Meeting of the Inter-American Tropical Tuna Commission (IATTC) (Mexico City, Mexico, 24 to 28 July 2017) CCAMLR Observer (European Union)

CCAMLR-XXXVI/BG/12	Report from the CCAMLR Observer (European Union) to 21st Annual Meeting of the Indian Ocean Tuna Commission (IOTC) (Yogyakarta, Indonesia, 22 to 26 May 2017) CCAMLR Observer (European Union)
CCAMLR-XXXVI/BG/13	Report from the CCAMLR Observer (USA) to the 39th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) (Montreal, Canada, 18 to 22 September 2017) CCAMLR Observer (USA)
CCAMLR-XXXVI/BG/14	A guide to landing shark species with fins naturally attached Delegation of the USA Gulak, S.J.B., H.E. Moncrief-Cox, T.J. Morrell, A.N. Mathers and J.K. Carlson. 2017. A guide to landing shark species with fins naturally attached. <i>NOAA Technical Memorandum NMFS-SEFSC-712</i> : 12pp, doi:10.7289/V5/TM-SEFSC-712
CCAMLR-XXXVI/BG/15	Report from the CCAMLR Observer (USA) on the 20th Special Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) (Vilamoura, Portugal, 14 to 21 November 2016) CCAMLR Observer (USA)
CCAMLR-XXXVI/BG/16	Development of a vessel safety checklist and debriefing protocol for use in SISO Delegation of the USA
CCAMLR-XXXVI/BG/17	Improving CCAMLR's monitoring and control of transshipments Delegation of the USA
CCAMLR-XXXVI/BG/18	Implementation of the Catch Documentation Scheme (CDS) Secretariat
CCAMLR-XXXVI/BG/19	Heard Island and McDonald Islands exclusive economic zone 2016/17 IUU catch estimate for Patagonian toothfish Delegation of Australia
CCAMLR-XXXVI/BG/20	Consideration of measures to address a co-mingling scenario in the toothfish fishery Secretariat

CCAMLR-XXXVI/BG/21	Informations sur la pêche INN dans les ZEE françaises de Kerguelen et Crozet et dans la zone statistique 58 de la CCAMLR – Saison 2016/17 Délégation française
CCAMLR-XXXVI/BG/22	Developing a large-scale Marine Protected Area in subantarctic region: the French Southern Lands case study Delegation of France
CCAMLR-XXXVI/BG/23	New Zealand investigation reports into late removal of fishing gear following fishery closure notification Delegation of New Zealand
CCAMLR-XXXVI/BG/24	CCAMLR inspections undertaken by New Zealand from HMNZS <i>Wellington</i> during 2016/17 Delegation of New Zealand
CCAMLR-XXXVI/BG/25 Rev. 2	A representative system of CCAMLR MPAs: taking stock and moving forward Submitted by ASOC
CCAMLR-XXXVI/BG/26	Polar Code Phase 2 and next steps for Southern Ocean vessel management Submitted by ASOC
CCAMLR-XXXVI/BG/27	Adopting and implementing a climate change response work plan Submitted by ASOC
CCAMLR-XXXVI/BG/28	Enhancing CCAMLR performance Submitted by ASOC
CCAMLR-XXXVI/BG/29	Collaborating to support effective protection of Southern Ocean ecosystems Submitted by ASOC and COLTO
CCAMLR-XXXVI/BG/30	Comments on the final draft of the conservation measure on the establishment of the East Antarctic Representative System of Marine Protected Areas (EARSMPA, 2016) Delegation of the Russian Federation
CCAMLR-XXXVI/BG/31	Some comments on the establishment of the East Antarctic Representative System of Marine Protected Areas (EARSMPA) Delegation of the Russian Federation

CCAMLR-XXXVI/BG/32	Summary of activities of the Commission during the 2016/17 intersessional period – Report of the Chair Chair of the Commission
CCAMLR-XXXVI/BG/33	Report from the CCAMLR Observer (Norway) to the 35th annual meeting of the North-East Atlantic Fisheries Commission (NEAFC) (London, UK, 14 to 18 November 2016) CCAMLR Observer (Norway)
CCAMLR-XXXVI/BG/34	Report from the CCAMLR Observer to the Thirteenth Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC) (Denarau Island, Fiji, 5 to 9 December 2016) CCAMLR Observer (Republic of Korea)
CCAMLR-XXXVI/BG/35	Report from the CCAMLR Observer (New Zealand) on the 10th Advisory Committee Meeting of the Agreement for the Conservation of Albatrosses and Petrels (ACAP) (Wellington, New Zealand, 11 to 15 September 2017) CCAMLR Observer (New Zealand)
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Other Documents	
SC-CAMLR-XXXVI/20	The Ross Sea region Marine Protected Area Research and Monitoring Plan A. Dunn, M. Vacchi and G. Watters (Co-conveners)
SC-CAMLR-XXXVI/BG/19	Antarctic Site Inventory/MAPPPD/Climate Challenge Analyses: Report to CCAMLR by Oceanites, Inc. Submitted by Oceanites, Inc.
SC-CAMLR-XXXVI/BG/30	Strengthening the Ross Sea Research and Monitoring Plan to deliver effective, measurable, and robust management Submitted by ASOC
SC-CAMLR-XXXVI/BG/31	Progressing towards responsible, science-based and highly precautionary krill fisheries management Submitted by ASOC
SC-CAMLR-XXXVI/BG/32	Toward a System of Marine Protected Areas in the Southern Ocean Submitted by ASOC
SC-CAMLR-XXXVI/BG/33	Report to the Scientific Committee of CCAMLR by the Association of Responsible Krill Harvesting Companies (ARK) Submitted by ARK





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



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

‘Mr Chairman, Your Excellencies, Distinguished Delegates, Ladies and Gentlemen.

Good morning and welcome to Hobart and to the 36th annual meeting of the Commission and Scientific Committee.

Many of you have been here at least several times previously. For you, welcome back!

For those visiting us for the first time, I hope that you enjoy your time with us. There is much to see in our beautiful State. I hope that you’ll find time to explore it and our lovely city of Hobart during your stay so that you can appreciate why so many of your colleagues here today return each year!

Dr Mayekiso. Welcome back to Hobart and congratulations on your appointment as Chair of this important annual meeting.

As Dr Mayekiso has noted, this is the third year for me to have the honour of welcoming representatives from Members and other participants to the annual meetings of CCAMLR here in Hobart. It is an honour that I very much look forward to.

Of course, when I opened the 35th annual meeting at this time last year, you had two weeks of hard work ahead of you. Included in your agenda last year, as it had been for several years, was the continuing discussion of the establishment of a marine protected area in the Ross Sea region.

I would have loved to have stayed and listened in to the exchanges around that proposal – I am sure that it would have been absolutely fascinating. While I’m in no doubt that there were a range of differing views that were expressed as the finer details were thrashed out, I was proud to have been associated, if only in a relatively small way, with the final decision from CCAMLR-XXXV to establish the Ross Sea region MPA.

Albeit somewhat belated, congratulations to you all on that globally significant achievement.

I understand that, since your annual session last October, you have continued the work required to bring the Ross Sea region MPA into force. Of course, an important consideration in that endeavour is to design and implement a research and monitoring plan for the MPA. I understand that the work to describe what a Ross Sea region MPA research and monitoring plan might include started at a workshop graciously hosted by Italy earlier this year. There will no doubt be a lot of interest in the discussions to occur in the Scientific Committee later this week where the outcomes of the Rome meeting will be considered in more detail.

I was also pleased to learn that, since CCAMLR-XXXV, groups of CCAMLR Members have continued their work on proposals for additional marine protected areas elsewhere in the CAMLR Convention Area. I was interested in the work being facilitated by Chile and Argentina for the southwest Atlantic in the vicinity of the Antarctic Peninsula, that of Australia, France and the EU in the region of East Antarctica and Germany in the Weddell Sea. While some of this work may be in relatively early stages, such continuing effort underscores the significance of CCAMLR as a world leader in marine resource conservation, habitat protection and sustainable marine resource use.

This is particularly important as the scenarios associated with climate change continue to be bleak. While there may be other explanations associated with natural variability, for me, this was starkly confirmed on 12 July this year with the collapse of the Larsen C ice shelf into the Weddell Sea. Of course, the Larsen ice shelf has been generating large icebergs since the Larsen A collapse in 1992. That was followed in 2002 by the Larsen B collapse. However, the Larsen C collapse in July is estimated to have exceeded one trillion tonnes and covered 5 800 km<sup>2</sup> – 12% of the size of the iceshelf itself. I read that researchers advise this collapse has changed the landscape of the Antarctic Peninsula and left the Larsen C ice shelf at its lowest extent ever recorded with predictions that, with each calving, the ice shelf becomes increasingly fragile. The sheer size of the Larsen C iceberg is almost unfathomable for the normal person in the street!

So, while the Ross Sea region MPA justifiably gained international attention last year, the decision at CCAMLR-XXXV to establish special areas for scientific study in newly exposed areas following ice-shelf collapse in the region of the Antarctic Peninsula again demonstrated the extraordinary prescience by the CCAMLR community. We were not to know, at that time, that 10 short, in glacial time, months later the world would be witnessing one of the largest ice-shelf collapses in history!

These decisions at last year's meeting underscore the fact that CCAMLR Members, as a community, continue to set important global benchmarks in areas such as precautionary management (as impressively demonstrated by the ice-shelf collapse decision), taking broad account of ecosystem considerations in regulating CCAMLR fisheries, ongoing efforts to combating illegal, unreported and unregulated fishing, managing bottom fishing in the vicinity of vulnerable marine ecosystems and mitigating the effects of fishing on species, such as seabirds, taken incidentally during fishing operations. All of these subjects are of significant interest to the global community in general – not just those of you involved on a day-to-day basis with fisheries.

Mr Chairman, I wish you well in the conduct of this meeting over the next 10 days. I am informed that you tried to retire earlier this year? Your apparent lack of success in that endeavour is certainly to CCAMLR's benefit. You have a long and distinguished career in South Africa in coastal and ocean environmental issues and your experience in CCAMLR and similar multilateral processes means that this meeting is in extremely good hands. I hope that, in two weeks' time, you all will be able to look back with pride and satisfaction at some very positive outcomes from these, the 36th annual meetings of CCAMLR and its Scientific Committee.

Finally, this is Drew's last meeting with us. I take this opportunity to speak on behalf of all of us at Government House when I convey the great pleasure we have all had working with him in his role as Executive Secretary. We all wish you and your family the very best with your future endeavours, knowing that Hobart and CCAMLR will have a very special place in your memories. We look forward to maintaining similarly close relations with the person that this meeting selects to succeed you.

Distinguished Delegates, Ladies and Gentlemen, I look forward to exploring some of the important issues that you will be discussing over the next 10 days with you all at our Government House reception on Wednesday evening. Until then, I'll hand the meeting back to your Chairman to start your deliberations.

Thank you for your attention.'

**Agenda for the Thirty-sixth Meeting of the Commission**



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

1. Opening of meeting
2. Organisation of meeting
  - 2.1 Adoption of agenda
  - 2.2 Status of the Convention
  - 2.3 Chair's Report
3. Implementation and compliance
  - 3.1 Advice from SCIC
  - 3.2 Provisional CCAMLR Compliance Report
  - 3.3 Proposed NCP-IUU and CP-IUU Vessel Lists
  - 3.4 Current level of IUU fishing
  - 3.5 Fishery notifications
4. Administration and Finance
  - 4.1 Advice from SCAF
  - 4.2 2017 budget and forecast budget for 2018
  - 4.3 CCAMLR Intersessional Correspondence Group on Sustainable Financing
5. Scientific Committee
  - 5.1 Advice from the Scientific Committee
  - 5.2 Harvested species
    - 5.2.1 Krill resources
    - 5.2.2 Fish resources
    - 5.2.3 New fisheries
  - 5.3 Assessment and avoidance of incidental mortality
  - 5.4 Bottom fishing and vulnerable marine ecosystems
  - 5.5 Marine protected areas
  - 5.6 Scientific research under Conservation Measure 24-01
  - 5.7 Capacity building
6. CCAMLR Scheme of International Scientific Observation
7. Impacts of climate change on the conservation of Antarctic marine living resources
8. Conservation measures
  - 8.1 Review of existing measures
  - 8.2 Consideration of new measures and other conservation requirements

9. Implementation of Convention objectives
  - 9.1 Objectives of the Convention
  - 9.2 Second performance review
10. Cooperation with the Antarctic Treaty System and international organisations
  - 10.1 Cooperation with the Antarctic Treaty System
  - 10.2 Cooperation with international organisations
    - 10.2.1 Reports of observers from international organisations
    - 10.2.2 Reports from CCAMLR representatives at meetings of international organisations in the previous intersessional period and nominations of representatives to forthcoming meetings of relevant international organisations
    - 10.2.3 Cooperation with RFMOs
11. 2018 budget and forecast budget for 2019
12. Other business
13. Administrative matters
  - 13.1 Appointment of Executive Secretary
  - 13.2 Election of officers
  - 13.3 Invitation of observers
  - 13.4 Next meeting
14. Report of the Thirty-sixth Meeting of the Commission
15. Close of the meeting.



**Summary of Activities of the Commission during the  
2016/17 Intersessional Period – Report of the Chair**



## **Summary of Activities of the Commission during the 2016/17 Intersessional Period**

### **Report of the Chair**

#### **Intersessional meetings**

1. The Subgroup on Acoustic Survey and Analysis Methods (SG-ASAM) met in Qingdao, China, in May and the meetings of the Working Groups on Statistics, Assessments and Modelling (WG-SAM) and Ecosystem Monitoring and Management (WG-EMM) took place in Buenos Aires, Argentina, in June/July. In addition, Italy hosted a Ross Sea region Marine Protected Area Research and Monitoring Plan (RMP) development workshop in April in Rome and a workshop was convened in relation to the Scheme of Scientific Observation (SISO) in Buenos Aires in July. On behalf of participants, the Chair joins the Secretariat in expressing gratitude to the hosts of these meetings for their expert support and facilities. In addition, the Secretariat organised a workshop in Singapore in August for non-Contracting Parties (NCPs) from the Asian region involved in toothfish trade. Appreciation is extended to Singapore, Japan and Australia for the logistical and technical support they provided to the workshop which was primarily concerned with encouraging engagement with CCAMLR. The Working Group on Fish Stock Assessment (WG-FSA) met at the CCAMLR Headquarters in early October.

#### **CCAMLR Scheme of International Scientific Observation (SISO)**

2. During 2016/17, 58<sup>1</sup> deployed scientific observers were appointed in accordance with SISO; 43 on longline vessels, 3 on trawl vessels fishing for icefish and 12 on vessels fishing for krill. Of these 58 deployments, 43 were international observers and 15 were national observers. Overall, the deployment of observers in 2016/17 involved 12 Receiving Members (i.e. Members with a SISO-appointed observer on their vessel) and 7 Designating Members (i.e. Members who provided SISO-appointed observers with a different nationality to the vessel's Flag State). SISO will have been discussed at both WG-FSA and the Scientific Committee.

#### **CCAMLR-regulated fisheries**

3. For the 2016/17 season, new catch and effort data reporting forms were developed for use by vessels. These forms were developed to make catch and effort reporting easier for vessels and/or Flag States, improve data quality and support automated data loading. Feedback on the use of the new forms has been positive and resulted in a reduced burden of data reporting on vessels and/or Flag States. The automated data loading has streamlined internal processes.

4. To date in the 2016/17 season (1 December 2016 to 30 November 2017), CCAMLR Members have participated in fisheries and research targeting icefish, toothfish and krill (see SC-CAMLR-XXXVI/BG/01). Fourteen Members fished: Australia, Chile, People's Republic

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<sup>1</sup> Observers that began their deployment after 1 December 2016.

of China, France, Japan, Republic of Korea, New Zealand, Norway, Russian Federation, South Africa, Spain, UK, Ukraine and Uruguay.

5. As of 19 September 2017, Members reported a total catch of 337 242 tonnes of krill, 12 730 tonnes of toothfish and 589 tonnes of icefish from the Convention Area.

6. The Secretariat monitored CCAMLR managed fisheries using catch and effort reports and notifications of vessel movements which it uses to advise Members and vessels of the closure of areas and fisheries. To date during the 2016/17 season, 16 fishery management areas have been closed by the Secretariat as a result of reported catches approaching the relevant catch limits.

### **CCAMLR's fishery monitoring and compliance**

#### **Catch Documentation Scheme for *Dissostichus* spp.**

7. The new electronic CDS (e-CDS) was fully implemented in March this year. The redevelopment of the e-CDS was the culmination of work that commenced in 2014 with the Independent Review of CCAMLR's Catch Documentation Scheme (CDS). Work was undertaken from 2014 to 2016 to develop, implement and test a new e-CDS with support from Members through CCAMLR e-groups and at an e-CDS workshop held in 2016.

8. The new e-CDS is more secure, intuitive and simple to use. It includes the ability for users to manage access permissions, browse recent documents, correct/edit data while maintaining a complete audit trail and report on imports and exports within each user's jurisdiction.

9. The e-CDS was rewritten to support the full list of enhancements requested by the CDS Review Panel (CCAMLR-XXXIV/09) and taking advantage of the reference data developments in respect to vessels and geographical areas. This integration allows the Secretariat to perform routine data quality assurance processes using data from all available sources. The new e-CDS is fully integrated with CCAMLR's vessel database and the vessel monitoring system (VMS).

10. During 2017, the Secretariat, with support from Australia, Japan and Singapore, hosted a CDS workshop in Singapore to continue the implementation of the NCP Engagement Strategy (CCAMLR-XXXVI/BG/03). During the workshop, participants from Cambodia, Indonesia, the Philippines, Malaysia, Thailand and Viet Nam had the opportunity to learn about CCAMLR, the CDS and the e-CDS and ways that they could cooperate with CCAMLR. Participants were invited to consider requesting the status of an NCP cooperating with CCAMLR by monitoring toothfish trade through limited access to the e-CDS and CCAMLR offered any support needed in this regard.

11. The Secretariat also continued work to implement the NCP Engagement Strategy in South America by providing support to Ecuador and Colombia.

12. In 2016, the Secretariat appointed a Trade Data Analyst, a position that was supported by funding from the EU (CCAMLR-XXXV, Annex 6, paragraph 129). During 2017, the Secretariat elaborated and undertook the work described in the terms of reference (CCAMLR-

XXXVI/06 and CCAMLR-XXXVI/BG/03). In undertaking this work, the Secretariat has developed significant capacity in trade data analysis and provided greater confidence around the quality of trade data held in the GLOBEFISH datasets. This confidence has made it possible to reconcile CDS data with GLOBEFISH data and to quantify the extent trade is accurately captured in the CDS.

13. Trade data analysis makes a significant contribution to the implementation of the NCP Engagement Strategy by identifying NCPs engaged in toothfish trade and Contracting Party–NCP trade relationships. The trade data analysis undertaken in 2017 also provided an opportunity for the Secretariat to work directly with a number of NCPs to qualify trade data.

## VMS

14. The Arrangement for access and use of CCAMLR VMS data to support search and rescue efforts in the CAMLR Convention Area was reviewed with the five CCAMLR Marine Rescue Coordination Centres (MRCCs) during the year. The revised Arrangement will be considered for adoption at CCAMLR-XXXVI (CCAMLR-XXXVI/07).

15. During 2017, the Secretariat refined the online facility and related user roles on the CCAMLR website, to facilitate the release of VMS data in accordance with the Arrangement. There have been no incidents to date requiring the release of CCAMLR VMS data to support search and rescue in the Convention Area.

## Illegal, unreported and unregulated (IUU) fishing

16. No vessels included on the NCP-IUU Vessel List were reported as sighted by Members inside the Convention Area in 2016/17. On 6 April 2017, Australia sighted the IUU-listed vessel *Sea Breeze* (*Andrey Dolgov*), 590 n miles north of Cocos Keeling Islands in FAO Area 57 (CCAMLR-XXXVI/28 Rev. 2). CCAMLR-XXXVI will receive an update on matters associated with this vessel.

17. On 5 January 2017, Members were advised that New Zealand, Australia and the INTERPOL General Secretariat were seeking more information on the location of individuals and networks that own, operate or profit from the activity of the IUU-listed vessel *Sea Breeze* and that an INTERPOL Purple Notice has been issued in this regard (COMM CIRC 17/05).

18. On 3 July 2017, Members were advised that no new vessels have been proposed for inclusion on the Draft CP-IUU Vessel List or the Draft NCP-IUU Vessel List for 2017/18 (COMM CIRC 17/54).

19. In respect of information for Members' consideration for the possible removal of IUU-listed vessels from the NCP-IUU Vessel List:

- (i) on 1 November 2016, the Islamic Republic of Iran advised Members that in respect of the *Koosha 4* (COMM CIRC 16/89) the Judiciary Department of Hormozgan Province issued a verdict to confiscate the vessel and prohibit it from

carrying out any fishing activities. It was also noted that the contract with the Spanish company that had rented the vessel had been terminated

- (ii) on 21 April 2017, Spain advised that the *Seabull 22* had been scrapped in Cabo Verde (COMM CIRC 17/41)
- (iii) on 1 September 2017, Angola advised that the *Northern Warrior* had been flagged to Angola and had changed beneficial ownership (COMM CIRC 17/65, COMM CIRC 17/68, COMM CIRC 17/71 and COMM CIRC 17/73).

#### Compliance Evaluation Procedure (CCEP)

20. Following the decision at CCAMLR-XXXV to include all conservation measures in the CCEP (CCAMLR-XXXV, Annex 6, paragraphs 63 and 64; CCAMLR-XXXV, paragraph 8.11), CCEP now includes a suite of conservation measures that relate to the reporting of fishery data to the Secretariat. In response to this decision, the Secretariat has undertaken several analyses to evaluate data submitted by Members (CCAMLR-XXXVI/18). The aim of these analyses is to implement a systematic process for data quality assurance, including cross-validation of catch, VMS and CDS data received by the Secretariat. The overarching aim of this process is to improve data quality, including by providing feedback to data providers, and ensuring clarity in the instructions and requirements for data provision. This work has required the collaborative effort of staff across the Secretariat.

#### Commission representation at meetings of other organisations

21. The Commission was represented at meetings of the following international organisations and programs in 2016/17: ACAP, ATCM, CCSBT, CEP, IATTC, ICCAT, IOC, IOTC, IWC, NAFO, NEAFC, SEAFO, SIOFA, SPRFMO, UNEP and WCPFC. CCAMLR-XXXVI will consider reports from the CCAMLR Observers at these meetings under Agenda Item 10.2.

22. In addition, as Chair, I had the privilege of representing CCAMLR on the occasion of the presentation of the FAO Margarita Lizárraga Medal Award in Rome in July. The Medal was established by the FAO Conference at its 29th Session in November 1997 for award to an organisation or person that has served with distinction in the application of the Code of Conduct for Responsible Fisheries. The Medal pays tribute to Ms Margarita Lizárraga for her work in fisheries for FAO, principally in developing countries, over 40 years.

#### Membership

23. Australia will report on the Status of the Convention.

## **Secretariat**

24. The Secretariat continued to provide quarterly financial and investment reports to Members. In addition to servicing intersessional meetings of the Scientific Committee's working groups, the Ross Sea region MPA RMP Workshop and NCP Engagement Workshop, the Secretariat provided support to most e-groups that were active during the year.

25. The Executive Secretary's Report to CCAMLR-XXXVI includes a report on the third year of implementation for the Strategic Plan (2015–2018) and its associated Staffing and Salary Strategy to be considered by SCAF (CCAMLR-XXXVI/05). The Report provides an explanation for a review of data and IT-related structure, services and relationships that led to a consolidation of these services within the Secretariat during the year.





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



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**Report of the Meeting of the Standing Committee  
on Implementation and Compliance (SCIC)**  
(Hobart, Australia, 16 to 20 October 2017)

**Opening of meeting**

1. The Meeting of the Standing Committee on Implementation and Compliance (SCIC) was held in Hobart, Australia, from 16 to 20 October 2017.
2. The Chair of SCIC, Ms J. Kim (Republic of Korea) opened the Meeting, welcomed participants and thanked the Secretariat for its support so far. The Chair expressed appreciation for SCIC's confidence in her and looked forward to a successful meeting.
3. SCIC considered the SCIC Agenda as adopted by the Commission.

**Implementation and compliance**

Review of compliance and implementation-related measures and policies

Training on CCAMLR and its current conservation measures

4. SCIC considered the paper from Chile regarding training on CCAMLR and its current conservation measures (CCAMLR-XXXVI/BG/08). Chile reported on a training course conducted for vessel owners and crew members of Chilean-flagged vessels which operate in the Convention Area held on 29 December 2016 in Valparaiso, Chile.
5. Chile noted that such workshops allow stakeholders to engage and become more familiar with CCAMLR conservation measures, that is reflected this year where there was no incidence of non-compliance for Chile against current conservation measures.
6. The workshop was rated as a success by both attendees and organisers. SCIC commended Chile for its initiative. The UK encouraged the Coalition of Legal Toothfish Operators (COLTO) and the Association of Responsible Krill harvesting companies (ARK) to also consider how they might develop peer-to-peer training on best practice among their members.

Offal management e-group

7. At CCAMLR-XXXV, the Commission endorsed SCIC's advice to further discuss measures to improve the management of offal by vessels and potentially to develop standards for the management of offal. This work was to be done intersessionally through an e-group (CCAMLR-XXXV, Annex 6, paragraphs 37 and 90 to 92).
8. The purpose of the Offal management e-group was to provide a forum for all Members to discuss ways to improve the management of offal in CCAMLR toothfish fisheries and to provide advice to SCIC on how Conservation Measure (CM) 26-01 could be improved to provide guidance on offal management to reduce fishing mortality on seabird populations.

9. New Zealand thanked the Secretariat for establishing the e-group, and thanked Australia for engaging in the e-group.

10. It was noted that the effectiveness of work done intersessionally depended on engagement from Members. Given the low level of engagement, New Zealand believed the Secretariat would instead be better placed to take the work of the Offal management e-group forward and the Secretariat agreed to assist with the management of the e-group.

11. SCIC thanked New Zealand and agreed that the Secretariat would prepare a paper for the ongoing work of the offal management e-group to include:

- (i) a summary of the offal management techniques that vessels currently use to comply with CM 26-01
- (ii) providing recommendations to SCIC on potential ways to improve the implementation of CM 26-01, particularly around best practice on offal management
- (iii) liaising with other organisations to summarise international best practice with respect to offal management.

#### CCAMLR Compliance Evaluation Procedure (CCEP)

12. In accordance with CM 10-10, paragraph 3(i), SCIC considered the Summary CCAMLR Compliance Report (CCAMLR-XXXVI/09). SCIC considered 18 issues identified in the Summary Report. CM 10-10 provides that each issue be assigned with one of the six compliance statuses contained in CM 10-10, Annex 10-10/B, including two non-compliant categories: *minor non-compliant* and *seriously, frequently or persistently non-compliant*. SCIC identified that there were some cases that did not clearly fit either category and agreed that the status of *non-compliant* be applied to issues considered by SCIC to be non-compliant, regardless of the nature or severity of the issue.

13. SCIC made progress regarding 14 of the 18 issues but could not reach agreement in respect of four issues. SCIC could not adopt a Provisional CCAMLR Compliance Report as required by CM 10-10, paragraph 3(iii), for consideration by the Commission.

14. Agenda Item 3.1 was referred to the Commission as no consensus could be reached on the matters considered under this item.

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

##### Implementation of the CDS

15. SCIC reviewed the implementation of the Catch Documentation Scheme for *Dissostichus* spp. (CDS) in 2015/16 (CCAMLR-XXXVI/BG/18) and noted that 25 Contracting Parties and two non-Contracting Parties (NCPs) currently participate in the CDS. Singapore and Ecuador were the only NCPs cooperating with CCAMLR by monitoring toothfish trade through limited access to the electronic web-based CDS (e-CDS).

16. SCIC noted that the NCPs that may be involved in the harvest and/or trade of *Dissostichus* spp. while not cooperating with CCAMLR by participating in the CDS for the last five years include Antigua and Barbuda, Belize, Bolivia, Colombia, Costa Rica, Cuba, Brunei Darussalam, Dominican Republic, Democratic People's Republic of Korea, Honduras, Indonesia, Iran, Libya, Maldives, Malaysia, Mexico, Mongolia, Nigeria, Philippines, St Kitts and Nevis, Thailand, Togo, Trinidad and Tobago, United Arab Emirates and Viet Nam.
17. For 2017, SCIC noted that the NCPs that may be involved in the harvest and/or trade of *Dissostichus* spp. while not cooperating with CCAMLR by participating in the CDS include Antigua and Barbuda, Bolivia, Colombia, Dominican Republic, Malaysia, Maldives, Mexico, Philippines, Thailand, Trinidad and Tobago, United Arab Emirates and Viet Nam.
18. SCIC noted the efforts to engage NCPs, including letters sent by the Secretariat in accordance with CM 10-05, Annex 10-05/C and the NCP Engagement Strategy.
19. SCIC recalled that at CCAMLR-XXXV, China advised that Hong Kong Special Administrative Region (Hong Kong SAR) was undertaking the preparatory work to support the implementation of the CDS and that Hong Kong SAR will continue to monitor the trade statistics of toothfish imported into and re-exported through Hong Kong SAR. China also advised that it would continue to provide the Secretariat and other Members with necessary assistance under appropriate mechanisms. Toothfish reported through the CDS to have been imported into Hong Kong SAR was 503 tonnes for 2017.
20. SCIC noted that the Secretariat had been liaising with Hong Kong SAR throughout 2016 and 2017 and had been asked to provide advice on several aspects of CDS implementation.
21. SCIC recalled that at CCAMLR-XXXV, it had considered Seychelles' status as an NCP cooperating with CCAMLR by participating in the CDS (CCAMLR-XXXV, Annex 6, paragraphs 108 to 111). It was agreed that the Seychelles be given until 31 January 2017 to fulfil its obligations in respect of CM 10-05, Annex 10-05/C, paragraphs C8(i) and (ii), including nominating a CDS Contact Officer. At the time, SCIC agreed that the Seychelles' status as an NCP cooperating with CCAMLR by participating in the CDS be revoked if a response is not received (CCAMLR-XXXV, Annex 6, paragraph 112).
22. SCIC noted the Secretariat's efforts to communicate with the Seychelles, that no response was received and a letter was sent from the Chair of the Commission to advise the Seychelles that the decision of the Commission to revoke the status of an NCP cooperating with CCAMLR by participating in the CDS was in effect.
23. The EU offered to raise the issue of the Seychelles' cooperation with CCAMLR in relevant bilateral talks. SCIC thanked the EU and noted that it looked forward to updates arising from those discussions.
24. SCIC considered Singapore and Ecuador's cooperation with CCAMLR by monitoring toothfish trade through limited access to the e-CDS and thanked Singapore for its efforts to support the implementation of the NCP Engagement Strategy.
25. SCIC agreed to review the NCP Engagement Strategy, noting there would be value in identifying areas of strength as well as any remaining challenges.

26. SCIC noted that no reports had been received by the Secretariat from Contracting Parties in respect of CM 10-05/C, paragraphs C11 and C12.

27. SCIC welcomed the Secretariat's overview of the new e-CDS and thanked the Secretariat for its efforts in this regard.

28. SCIC noted that two Specially Validated *Dissostichus* Catch Documents (SVDCDs) had been issued in 2017:

- (i) SVDCD CN-17-0001-E in respect toothfish catch from the illegal, unreported and unregulated (IUU)-listed vessel *Sea Breeze* that was seized by China in the port of Yantai, China
- (ii) SVDCD ES-17-0006-E in respect of toothfish caught by the Spanish-flagged *Tronio* in the Food and Agriculture Organization of the United Nations (FAO) Area 87.

29. China informed SCIC that, following an investigation from various government agencies, the catch from the IUU-listed vessel *Sea Breeze* was to be publicly auctioned through appropriate procedures, and the proceeds to be dealt with under the relevant provisions of the Commission.

30. Spain informed SCIC that it had provided all information, including the inspection list and *Dissostichus* Catch Documents (DCDs). SCIC was advised that Spain had communicated with South African authorities on the landing of the vessel on 14 and 20 February 2017. It was reported that the catches were not able to be traded and that the South African inspection report indicated that the fish were to be consumed on board.

31. SCIC noted that one undocumented landing and six transshipments had been identified in 2017:

- (i) Ecuador reported that the Bolivian-flagged *Cape Flower* landed 101.3 tonnes of toothfish caught outside the Convention Area in Ecuador to be exported to the Port of Kaohsiung, Taiwan
- (ii) Mauritius advised that the Liberian-flagged reefer *Bao Reefer* was carrying toothfish transhipped from six Chinese-flagged vessels fishing in the southwest Atlantic Ocean.

32. The EU noted its concern that the *Cape Flower* continued to hold authorisation to fish in the Convention Area despite Bolivia not being a Member. Some Members further highlighted the issue that fishing in areas adjacent to the Convention Area may have the potential to undermine the conservation work undertaken by CCAMLR and supported by the CDS. These Members encouraged the Secretariat to support the engagement of NCPs with the CDS. Members were also encouraged to engage with NCPs to actively promote the wider adoption of the CDS.

33. China advised that an initial investigation had been undertaken and informed the Commission that the reported catch was meant to be in kilograms rather than tonnes as reported in CCAMLR-XXXVI/BG/18. China reported that it had organised experts to conduct an inspection of the vessel, and it was reported that catches were of escolar, a kind of snake mackerel, and not toothfish.



34. SCIC considered the Secretariat's advice that at the 17th Meeting of the Conference of the Parties (CoP17) on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) two decisions regarding cooperation with CCAMLR had been taken:

(i) Decision 17.50

The CITES Secretariat shall issue a Notification to the Parties requesting Parties that are involved in the harvest of or trade in toothfish, *Dissostichus* spp., and that are not cooperating with the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), to submit to the Secretariat a report on their implementation of Resolution Conf. 12.4 on Cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources regarding trade in toothfish. The Secretariat shall forward to the Secretariat of CCAMLR any information received in response to the Notification.

(ii) Decision 17.51

The CITES Secretariat shall consult with the Secretariat of CCAMLR and with relevant organizations regarding the provisions of Resolution Conf. 12.4, in particular those concerning the exchange of information between CITES and CCAMLR, and present its recommendations, including any proposals to amend the Resolution, to the Conference of the Parties at its 18th meeting.

35. CITES is also considering revising Resolution Conf. 12.4 for the Cooperation between CITES and CCAMLR regarding trade in toothfish and would welcome CCAMLR's contribution.

#### NCP Engagement Strategy

36. SCIC considered CCAMLR-XXXVI/BG/03 Rev. 1, reporting on the second year of implementation of the NCP Engagement Strategy adopted at CCAMLR-XXXIV (CCAMLR-XXXIV/09, Appendix III).

37. SCIC noted that in 2016 and 2017, the Secretariat engaged with several NCPs and Contracting Parties to support the implementation of the NCP Engagement Strategy. This work focused on Southeast Asia and included promoting cooperation with Brunei Darussalam, Cambodia, Indonesia, Malaysia, the Philippines, Thailand and Viet Nam.

38. SCIC noted that the Secretariat, with support from Australia, Japan and Singapore, held a workshop in Singapore in August to further promote cooperation between CCAMLR and Southeast Asian States, including Cambodia, Indonesia, Malaysia, the Philippines, Thailand and Viet Nam. Many Members expressed their appreciation to the Secretariat for its efforts, as well as to Singapore for hosting.

39. The workshop focused on CCAMLR, the CDS and the e-CDS and provided specific information on the ways States could cooperate with CCAMLR, including by monitoring toothfish trade through limited access to the e-CDS.

40. Cambodia, Indonesia, Malaysia, the Philippines, Thailand and Viet Nam are continuing efforts to apply for the status of an NCP cooperating with CCAMLR by participating in the CDS, but, in the first instance, are focussing on obtaining limited access to the e-CDS. Thailand and Viet Nam are in the final stages of drafting their applications.

41. Australia noted that providing NCPs with limited access to the e-CDS was important in understanding key gateways for the illegal trade of toothfish products and emphasised that broad participation of all States that trade in toothfish was critical to the success of the CDS. SCIC agreed to adopt an intersessional mechanism to grant limited access to the e-CDS whereby the Secretariat would provide circulars to Members if a request for limited access to the e-CDS was received. If no objections were raised within a defined period, then access could be provided by the Secretariat.

42. Japan noted the hard work of the Secretariat and the success of the workshop. Japan noted that participants were largely aware of the existence and role of CCAMLR and the CDS, but not fully aware of how to best cooperate and the workshop had been important to raise this awareness.

43. Members were encouraged to further engage with NCPs at bilateral and regional levels to prevent any illegal products from entering the market and hence combat IUU fishing in the Convention Area and improve traceability of toothfish products.

44. SCIC noted the work to be undertaken in 2018 (CCAMLR-XXXVI/BG/03 Rev. 1), including:

- (i) continued efforts to encourage cooperation with Brunei Darussalam, Cambodia, Indonesia, Malaysia, the Philippines, Thailand and Viet Nam
- (ii) hosting workshops to promote cooperation in South America and the Middle East
- (iii) the continued evaluation of CDS and trade data to determine priority NCPs and Contracting Parties with direct trade relationships with NCPs
- (iv) the review of the NCP Engagement Strategy
- (v) continued support to Singapore, Ecuador and Columbia.

45. Australia thanked the Secretariat for its efforts to engage with Southeast Asian States through the Regional Plan of Action to Promote Responsible Fishing Practices Including Combating IUU Fishing in South East Asia (RPOA-IUU), and looked forward to working with the Secretariat in 2018.

46. SCIC thanked the Secretariat for its work and looked forward to the report by the Secretariat on the outcomes of this work at CCAMLR-XXXVII.

47. SCIC noted that Mauritius was an Acceding State and was a major port for toothfish landings and exports and that better efforts could be made to support Mauritius. SCIC noted that Mauritius regularly engaged with the Secretariat on CDS and port inspection matters but may benefit from greater support from CCAMLR, including for participation at CCAMLR meetings.

48. Although not NCPs, SCIC also noted that several regional fishery management organisation (RFMO) areas adjacent to the Convention Area (including the Southern Indian Ocean Fisheries Agreement (SIOFA) and the South Pacific Regional Fisheries Management Organisation (SPRFMO)) have been established and encouraged the Secretariat to continue its efforts to work with these organisations to improve traceability of toothfish products.

#### Trade data analysis

49. SCIC considered CCAMLR-XXXVI/06 and BG/05 Rev. 1, which reported on the analysis of the FAO GLOBEFISH trade data, to assess its utility to provide an accurate overview of the global trade of toothfish.

50. SCIC noted that the objectives of the trade data analysis work in 2017 were:

- (i) developing an understanding of the conversion factors for product types used in toothfish trade
- (ii) undertaking an analysis of the classification and application by States of the terms landing, transshipment, import, export and re-export
- (iii) undertaking an analysis of the Harmonised System (HS) codes as they relate to toothfish trade
- (iv) undertaking a further data quality assessment of trade data reported in the CCAMLR-XXXV/BG/12 Rev. 1 and BG/35, including reported volumes, values and trade relationships
- (v) undertaking a further analysis of landing (production), import and export differentials in trade data and CDS data, including volume and unit value
- (vi) undertaking a comparison of trade data with CDS data
- (vii) supporting the implementation of the NCP Engagement Strategy
- (viii) providing greater detail of the co-mingling scenario
- (ix) providing information on the size or grade categories used by industry globally.

51. SCIC noted that the GLOBEFISH analysis compiled trade data for the national databases of 75 countries, including all major traders of toothfish except for Viet Nam. Viet Nam's trade was estimated by examining the trade statistics of its trading partners.

52. SCIC noted that the analysis used the Max of Partner Pair (MPP) estimation methodology. It was recognised that the MPP is considered reliable given that the incentive is almost always to under-report volumes, particularly in the case of a high-value and heavily regulated species such as toothfish.

53. In addition to the trade data analysis provided in CCAMLR-XXXVI/BG/05 Rev. 1, SCIC noted that the analysis had made a significant contribution to the implementation of the NCP Engagement Strategy, the development of the e-CDS and the evaluation of the effectiveness of the CDS.

54. SCIC expressed general appreciation for the work done by the Secretariat in the analysis of trade data for toothfish. SCIC highlighted the importance of value and supply chain analysis and the need for an understanding of where the catch is landed, and relationship between processing and consuming states.

55. SCIC recommended that the Commission extend the position of the Trade Data Analyst for a further 24 months and suggested this position be funded through the CDS Fund, noting this would not constitute routine work of the Secretariat. There was considerable discussion on the benefits of a supply chain analysis and SCIC agreed the scope of this work should concentrate on trade patterns of legitimate catch beyond what the CDS currently captures, as well as IUU catch, with a focus on how and where it is traded, consumed and processed, to inform an overall picture of how toothfish travels through trade.

56. On advice of the CDS Panel, SCIC agreed it would be appropriate to use the CDS Fund for this purpose and agreed to propose Terms of Reference to the Commission to support this work (Appendix I).

57. SCIC considered CCAMLR-XXXVI/BG/20 reporting on the consideration of measures to address a co-mingling scenario in the toothfish fishery. SCIC acknowledged the excessive burden that would result from changes to the DCD and further noted it was not convinced that such changes would address the issues identified.

#### System of Inspection

58. SCIC considered CCAMLR-XXXVI/15 on CCAMLR inspections undertaken by Chile's OPV-83 *Marinero Fuentealba* and AP-46 *Almirante Oscar Viel* in the 2016/17 season. Chile informed SCIC that it carried out boarding and inspection activities in Subarea 48.1. During the patrol, seven inspections and one sighting were recorded. Chile noted the length and complexity of the inspection report form and suggested more efficiently structuring these by differentiating between general conservation measures and those specifically relating to fisheries. Chile also noted the benefits of joint inspections for the diversity of expertise and enhancement of international cooperation these provided.

59. SCIC welcomed the paper by Chile and gave general support to the suggestion to improve the System of Inspection, including amendments to the current provisions to make the system a truly joint effort. Members thanked Chile for its efforts in conducting inspections, and noted the expense and logistical challenges involved with such patrols.

60. Russia thanked Chile for its work and recalled the discussion on joint patrols and inspections from CCAMLR-XXXV (CCAMLR-XXXV, Annex 6, paragraph 142). Russia stated it would agree to discuss these amendments, but sought clarification on the provisions of the current System of Inspection (paragraph 3(a)) which provides for inspections carried out by designated inspectors from vessels of the Designating Members.

61. SCIC considered the paper submitted by New Zealand (CCAMLR-XXXVI/BG/24) that reported on CCAMLR inspections undertaken in the Ross Sea region by the New Zealand vessel HMNZS *Wellington*. During the 2016/17 fishing season the HMNZS *Wellington* conducted 10 boardings and inspections of vessels flagged to CCAMLR Members. Two potential

compliance breaches of CM 26-01 were identified and reported to the Flag States, Ukraine and Spain, and to the Secretariat. New Zealand noted it would continue in its work to enhance the compliance levels of the fishing fleet.

62. SCIC thanked New Zealand for its paper. Members commended New Zealand for its efforts and expertise, and noted their appreciation for all Members who contributed to the achievements of the common goals of the Convention through these patrol and inspection activities, particularly in the ongoing efforts against IUU fishing.

63. SCIC considered the paper submitted by the UK, Australia and New Zealand (CCAMLR-XXXVI/14) proposing changes to the System of Inspection report form and the introduction of a standardised radio inspection form. The paper proposed amendments to update language to ensure consistency with conservation measures, including reference to Automatic Location Communicators (ALCs), remove duplication from the existing report form and to streamline the current form with conservation measures.

64. Many Members noted that the proposed changes would streamline the existing arrangements and assist designated inspectors to do their jobs. Australia noted it was eager to see the Commission adopt improvements to the System of Inspection over time to ensure that it keeps pace with contemporary, best-practice boarding and inspection procedures.

65. The proposal suggested the adoption of a standardised radio inspection report form to maximise the information that could be gathered from the fishing fleet when it was not possible to perform a physical inspection, for example in bad weather. The UK emphasised that the suggested amendments were not new obligations but would allow for more consistent communications between the fishing vessel and inspectors.

66. SCIC thanked the UK, New Zealand and Australia for their paper, and acknowledged that the paper did not introduce any new requirements into the System of Inspection or new data collection requirements during CCAMLR vessel inspections. Many Members noted that the procedures proposed constitute another tool for monitoring compliance with CCAMLR conservation measures.

67. The UK and Australia noted that physical inspections would remain the preferred method of inspection over any proposed 'Inspection for Radio Transmission'. Some Members asked how the inspection vessel and the fishing vessel would verify each other's identity in such cases. The UK and Chile clarified that in cases where the Inspection for Radio Transmission was used due to poor weather, that there was still a requirement for the inspection vessel to visibly be flying both the CCAMLR pennant and their State Flag, therefore, it would necessarily require reliable, visual and photographic identification between both vessels.

68. Argentina, Russia and Japan raised concerns of how the Flag State could verify the identity of the inspector via radio and pointed out the necessity to accommodate a mechanism for cross-checking of the inspection results by the vessel master and/or the Flag State. Chile and the UK noted that the inspector's identification was already available on the CCAMLR website, and in cases of doubt, that the inspector could potentially send verification via electronic means. Amendments to Annex C to the inspection report form to provide a process for verifying the identity of inspectors was presented. The UK and New Zealand highlighted the fact that radio communications were already a common and successful part of at-sea

inspections, and that information collected by the inspector can easily be provided to the Flag State of the inspected vessel. Australia emphasised that the proposal would increase the suite of tools available to collect information about activities in the Convention Area.

69. Russia queried the reliability and utility of data collected via the Inspection for Radio Transmission, given there would be no physical inspection. The UK and New Zealand reiterated that the data collected during the inspection will be made available to the CCAMLR Secretariat, to the Flag State of the vessel, the master of the vessel, and to CCAMLR Members, to ensure the reliability of the data. Australia also noted that such data could be used to assist with targeting monitoring, control and surveillance (MCS) activities, including to inform whether subsequent physical inspections or port inspections should be undertaken.

70. Russia queried whether the Inspection for Radio Transmission was an accurate descriptor of the procedure. The term Inspection for Radio Transmission was revised to 'information gathering via radio transmission' to better reflect the process of collecting information.

71. China indicated that the CCAMLR System of Inspection, paragraph I(d), provided that 'inspectors shall be able to communicate in the language of the Flag State of the vessels on which they carry out their activities' and advised that a radio inspection should follow the above requirement. SCIC noted that the forms would be made available in the CCAMLR languages and encouraged Flag States to prepare the form in multiple languages and the radio inspections would still follow this requirement.

72. Japan, while appreciating the preparation of the form in multiple languages, raised a concern about the miscommunication between the inspector and vessel master that could occur due to language problems and requested that radio inspection should be conducted in the language of the Flag State. While China shared the view of Japan, New Zealand was of the understanding that the Secretariat would only provide the inspection forms in the four official languages and asked the Secretariat if it had the capacity to provide the form in all Flag State languages. As a compromise, Japan proposed that the inspection form for this purpose be submitted by the vessel master responding to the request by the inspector through email. For this purpose, Japan further requested the preparation of the list of all inspection vessels with their contact email accounts. SCIC did not resolve this matter.

73. China queried the relationships between the vessel monitoring system (VMS) information in radio transmissions and CM 10-04, and a photograph requirement and visual verification by fishing vessels of the identity of inspectors. China also expressed concern about the requirement of a photograph of the VMS unit. New Zealand advised that images can be cross-referenced against images supplied in notifications and can validate VMS data, ensuring the systems are working correctly.

74. China indicated that in accordance with CM 10-03, the definition of fishing vessels does not include marine scientific research vessels of Members. Australia reiterated that radio inspections will be only conducted on fishing vessels.

75. Russia expressed the concern that there would be a duplication of a pre-existing process. New Zealand reiterated that the use of standardised radio communications would mean that

both inspectors and fishing vessels would have copies of the approved transcript of questions which could be translated into multiple languages for efficient communication and was not duplicating or replacing a pre-existing process but supporting it.

76. SCIC agreed to the need to streamline the inspection form and to refer the matter of information gathering via radio transmission to the Commission for further discussion.

#### Vessel Monitoring System (VMS)

77. SCIC considered CCAMLR-XXXVI/07, a proposal that presented a review of the Arrangement for the Access and Use of CCAMLR VMS Data for Maritime Search and Rescue between CCAMLR Secretariat and Competent Maritime Rescue Coordination Centres (MRCCs) (the Arrangement). The paper outlined the findings of the review and proposed an amended Arrangement which was prepared by the Secretariat in consultation with the five MRCCs, Argentina, Australia, Chile, New Zealand and South Africa.

78. SCIC expressed its support for amendments, and thanked the Secretariat and the five MRCCs for their work and agreed the matter should be further considered by the Commission.

79. SCIC considered the US proposal for options to ensure the effective and efficient monitoring of vessel traffic in the Ross Sea region marine protected area (MPA) (CCAMLR-XXXVI/23). The USA proposed options related to the implementation of CM 91-05, paragraph 24. The USA suggested the creation of an automated VMS alert when a fishing vessel enters the MPA and, for vessels that conduct scientific research on Antarctic marine living resources in the MPA, or transiting through the MPA, the creation of an easily accessible mechanism to allow vessels to voluntarily provide plans of their intended passage through the MPA. The USA welcomed a discussion with Members on these and other options for collecting vessel information.

80. The Russian Federation highlighted the voluntary character of the US proposal about vessels conducting scientific research on Antarctic marine living resources. Russia expressed a preference that the proposal only refers to fishing vessels.

81. SCIC noted that the obligations in CM 91-05, paragraph 24, were clear and that the Secretariat would manage this data as it currently does for notifications submitted under CM 10-04, paragraph 13. China indicated that the implementation of the automatic alert system is inconsistent with CM 10-04, paragraph 13. SCIC noted that the implementation of the automatic alert system can only be done in consistency with CM 10-04. SCIC noted that for those vessels required to report VMS data under CM 10-04, paragraph 11(i), an automatic alert could be implemented, and that the Secretariat would implement an automated alert for vessels entering the Ross Sea region MPA. SCIC recommended that the Secretariat provide information, including an email address, for other vessels that wish to report their entry and exit of the Ross Sea region MPA.

82. SCIC noted that in the Spanish and Russian versions of CM 91-05, the first sentence of paragraph 24 omitted the word 'fishing' and that the text should be revised to align with the English and French translations. SCIC noted the advice of the Secretariat that the original version of CM 91-05 had included 'fishing' and that this had remained the same throughout

drafting, adoption and publication. SCIC agreed that ‘fishing’ should be included in the translations of the first sentence of paragraph 24 and recommended that CM 91-05 be revised.

83. SCIC considered the proposal by the Secretariat for a project to use satellite imagery to supplement other methods for detecting possible IUU fishing in the Convention Area between December 2018 and May 2019 (CCAMLR-XXXVI/08). The proposal noted significant changes in satellite image surveillance in the Antarctic region since the 2015 project and suggested these be taken into account for the 2019 project. During 2017, the Secretariat examined options for a project to use satellite imagery, including satellite trial runs by Norway and the Pacific Islands Forum Fisheries Agency (FFA) and services provided by CLS in France, Kongsberg Satellite Services (KSAT) in Norway and the Copernicus Programme of the European Commission. The outcomes of the project are to be reported to CCAMLR-XXXVII.

84. SCIC noted that the Copernicus Programme of the European Commission, based on several Sentinel satellites designed by the European Space Agency (ESA), had now reached its operational phase. France elaborated on the Copernicus Programme and noted that the services provided by the program could help to strengthen the surveillance of IUU fishing in the Convention Area. France noted that CCAMLR can request satellite images from ESA and that these images are made available at no cost. France offered its experience and expertise in developing an ESA proposal and in the analysis of satellite images to support the project.

85. SCIC noted that the pre-treatment phase of satellite imagery incurs large costs and that financial support will be needed by the Members for this phase and that France was willing to assist in the second analysis phase (CCAMLR-XXXVI/19). Some Members noted they also had experience in the analysis of satellite image and would welcome the opportunity to share best practices. Some Members recognised the benefits of a satellite program to enhancing vessel monitoring, control and surveillance in the Convention Area.

86. SCIC welcomed the proposals by the Secretariat and France and noted that they would work together with other interested Members to develop a proposal for CCAMLR-XXXVII.

#### Fishery notifications

87. SCIC considered CCAMLR-XXXVI/BG/02 Rev. 2 summarising fishery notifications submitted by Members in accordance with CMs 21-02 and 21-03 for exploratory toothfish fisheries and established krill fisheries for 2017/18. SCIC noted that all fishery notifications were submitted by the deadline of 1 June 2017.

88. SCIC noted that all exploratory toothfish fishery notifications submitted by Members in accordance with CM 21-02 included:

- (i) the information required by paragraph 6(i)
- (ii) a fisheries operation plan required paragraph 6(ii)
- (iii) a fishery notification fee paid by the deadline of 1 July 2017 as required by paragraphs 8 and 15



- (iv) research plans for exploratory fishery notifications for fisheries in Subarea 48.6 and Divisions 58.4.1, 58.4.2 and 58.4.3a submitted to WG-SAM as required by paragraph 6(iii) in the format prescribed in CM 24-01, Annex 24-01/A, format 2, by the deadline of 1 June 2017.

89. In respect to the Ukrainian-flagged *Marigolds*, the UK provided the following statement:

‘The UK noted the more recent information provided by Ukraine (in COMM CIRC 17/66) about the beneficial ownership of the fishing vessel *Marigolds*. However, the address notified for the “Taurus Logistic Group LP” is an address being used by foreign individuals and groups based in the UK acting for organised crime groups to set up UK registered companies, which are subsequently used for criminal activities. Recalling the statement made last year (CCAMLR-XXXV, Annex 6, paragraph 86), the UK notes that the beneficial owners of the Taurus Logistic Group LP are not UK nationals and are not based in the UK; and that they are therefore not required to provide any information to UK authorities. The UK, however, noted the reassurances provided by Ukraine that in its view, there are no grounds to connect the fishing vessel *Marigolds* to any criminal activity.’

90. SCIC noted that for vessels proposed by Members to undertake bottom fishing activities and required to submit preliminary assessments of the potential for proposed bottom fishing activities to have significant adverse impacts on VMEs, these assessments were submitted as required by CM 22-06, paragraph 7(i) except for the Korean-flagged vessel *Southern Ocean* (SC-CAMLR-XXXVI/BG/36), the French-flagged *Mascareignes III* (SC-CAMLR-XXXVI/BG/39) and the Ukrainian-flagged vessel *Calipso* (SC-CAMLR-XXXVI/BG/37) which were received late.

91. SCIC noted that CM 21-02, paragraph 12, requires that where a proposed exploratory fishery includes bottom fishing activities, the Member shall not authorise, under CM 10-02, vessels flying their flag to participate in the proposed bottom fishing activities if the procedures outlined in CM 22-06, paragraph 7, have not been fully complied with.

92. SCIC noted that in the three cases the Member had submitted their fishery notifications and fees by the due dates and that only the preliminary assessments were outstanding in each case.

93. Ukraine explained that the fisheries notification and the fishery notification fee were submitted by the required deadlines and the delayed preliminary assessment for the fishing vessel *Calipso* was due to the change in fishing gear type from Spanish bottom longline to trotline by the vessel owner after the due date. The USA noted that CM 22-01, paragraph 13, requires Members to prohibit their vessels from using fishing gear types other than those which were notified for a fishing season. Ukraine specified that in the case of the vessel *Calipso* there was no proposal to use fishing gear apart from that specified in the notification, in this case the subject was the substitution of proposed fishing gear before the beginning of the work of the bodies of the Commission.

94. The Republic of Korea explained that the vessel had submitted the preliminary assessment to the Korean government on 24 May 2017, but an oversight by the Korean government resulted in a late submission by Korea to the Commission, however, the fisheries notification and the fishery notification fee were submitted by the required deadlines.

95. France explained that due to an oversight in submitting the preliminary assessment based on a previously submitted preliminary assessment utilised for the same area from a vessel using the same gear, it did not consider it was necessary to update the former preliminary assessment. On receiving contact from the Secretariat that the assessment had not been registered for the *Mascareignes III*, France immediately provided an updated preliminary assessment.

96. Some Members suggested that, to prevent this issue in the future, to amend CM 21-02 and 22-06 to specify the exact date that the preliminary assessments are required to be submitted.

97. Some Members queried the benefit of amending CM 22-06 to clarify the obligations for submitting preliminary assessments, whereas other Members considered that the obligations were clear. SCIC noted that fulfilling these obligations rested with Members, however, that further awareness of deadlines would be welcomed.

98. SCIC did not reach a conclusion in respect of the status of the late preliminary assessments but welcomed the advice of the Chair of the Scientific Committee in this respect (paragraphs 175 to 176).

99. SCIC noted that all established krill fishery notifications submitted by Members in accordance with CM 21-03 included:

- (i) the information required by paragraph 2 and Annex 21-03/A
- (ii) vessel gear descriptions and specifications, including net diagrams and mammal exclusion devices required by paragraph 2 and Annex 21-03/A
- (iii) a fishery notification fee paid by the deadline of 1 July 2017 as required by paragraph 4.

100. SCIC noted that all fishery notifications are available on the CCAMLR website and that several fishery notifications were withdrawn formally by a Member or due to non-payment of fishery notification fees and are identified as such on the CCAMLR website with a 'W'.

## **Proposals for new and revised measures**

### **Conservation Measure 10-05**

101. SCIC considered the US proposal to modify CM 10-05 to improve transparency related to the total catch, transshipment and landing of toothfish (CCAMLR-XXXVI/24). The USA suggested amendments to CM 10-05, Annex 10-05/A, and related changes to the main text of CM 10-05 to require the inclusion of a *Dissostichus* transshipment/landing document (DTLD) in the e-CDS.

102. The USA noted that while the e-CDS was successful in tracking toothfish from the point of landing to the point of import for consumption, it does not effectively track fish from the point of harvest. The USA highlighted that, in the prevention of IUU fishing, it is important that the e-CDS can trace all toothfish in trade back to the fishing trip and the reported catch for that trip.

103. SCIC noted the importance of using e-CDS to track the catch of toothfish from harvest to the point of sale, including in cases of transshipment and multiple port landings. Some Members queried the administrative burden of the proposed alterations, and whether the information could easily be incorporated into the recently redeveloped e-CDS system. Japan raised concern of the possible discrepancy between the registered date and due date of port entry, but it was confirmed that the change of the date of port of entry would not constitute an infringement.

104. The USA highlighted the value of moving to the e-CDS in terms of adopting flexibility in such processes, as opposed to relying on a paper-based system.

105. SCIC agreed to establish a CDS Technical Working Group as an e-group with the aim of increasing transparency within the CDS, particularly with respect to transshipment and multiple landings and to explore ways of more clearly documenting total catch. SCIC agreed to the terms of reference for the CDS technical working group and recommended that these be adopted (Appendix II).

106. The EU expressed its disappointment that the original US proposal could not be adopted. SCIC agreed to amend the DCD to better accommodate transshipment information, including intended port of unloading and the subsequent landing. SCIC recommended that CM 10-05 be revised.

#### Conservation Measure 10-08

107. SCIC considered the EU's proposal to amend CM 10-08 to address the role of insurance providers in supporting or engaging in IUU activities (CCAMLR-XXXVI/12). The EU emphasised that the minor changes to the wording in CM 10-08 made specific reference to financial arrangements and insurance to clarify its application.

108. Members noted the importance of the reference to the insurance and financial sectors in closing links between these services and IUU fishing operations. The UK reported that it had conducted workshops and other types of engagement with London-based companies to ensure the sector understood their due diligence obligations in the context of IUU fishing operations.

109. SCIC agreed that the explicit inclusion of insurance companies and other financial arrangements, alongside international corporate structures, in CM 10-08 would assist in the application of domestic legislation to these sectors.

110. SCIC thanked the EU for its proposal, and supported the proposed amendments to CM 10-08.

#### Conservation Measure 10-09

111. SCIC considered the background paper by the USA regarding the gaps in the monitoring and control of transshipments (CCAMLR-XXXVI/BG/17).

112. The USA invited Members to continue discussions on the revision of CM 10-09 intersessionally to develop a strong proposal for CCAMLR-XXXVII and to consider the results of the study by UN FAO on the monitoring, control and surveillance of transshipments when it becomes available, as well as the recommendations from the Second Performance Review related to transshipments.

113. Many Members agreed that monitoring transshipment was an important issue, and believed that better management and control of transshipping was possible. The Republic of Korea noted that while difficulties prevented this, the small number of companies that currently transhipped in the Convention Area could be encouraged to take part in research and surveys to better understand the operations for exploring a possibility of future cooperation mechanisms.

114. Members thanked the USA for its background paper and supported the development of a transshipment vessel register and that discussions continue intersessionally in an e-group.

#### Conservation Measures 21-02 and 24-01

115. SCIC considered the summary of intersessional discussion by the Secretariat regarding harmonising CCAMLR's approach to activities targeting toothfish (CCAMLR-XXXVI/27). The paper described how the e-group considered changes to CMs 21-02 and 24-01 to harmonise the nomenclature used for activities targeting toothfish, to clarify the definition of exploratory fisheries, and strengthen the linkage between the two conservation measures. The e-group discussion also included complementary approaches to improve transparency and documentation in relation to research activities targeting toothfish in closed areas. Options included:

- (i) a new conservation measure reclassifying activities targeting toothfish in accordance with CM 24-01 as exploratory fisheries
- (ii) a single interim conservation measure that records the endorsed activities for research activities targeting toothfish consistent with CM 24-01
- (iii) an annex to CM 24-01 that provides a list of the research approved by the Commission for which the catch limit required for that research exceeds the thresholds specified in CM 24-01, Annex 24-01/B.

116. In respect of the options provided in CCAMLR-XXXVI/27, SCIC noted that option one was used in CCAMLR-XXXVI/29, option 2 was addressed in CCAMLR-XXXVI/22 and option 3 was included in CCAMLR-XXXVI/27.

117. SCIC considered the proposal by the USA to increase the transparency and documentation of research activities conducted under CM 24-01 (CCAMLR-XXXVI/22).

118. The USA proposed to revise CM 24-01 to have clearly defined deadlines for research plan submissions to the Secretariat. The proposal also requires the Commission to consider, on an annual basis, adoption of a conservation measure that provides for documentation of certain information from all research plans that are endorsed by the Commission for *Dissostichus* spp. research to be carried out under CM 24-01, paragraph 3.

119. SCIC noted that CCAMLR-XXXVI/22 and XXXVI/27 should be considered together as they seek to achieve similar objectives. Some Members noted that these proposals provide a mechanism for a consistent approach to activities targeting toothfish, improve transparency and accountability in research fishing and strengthen the link between CMs 21-02 and 24-01. The UK noted that it would prefer that all research proposals be considered consistently and not just those relating to *Dissostichus* spp.

120. A number of Members expressed support for the proposal. Russia raised concern about the policy intent and the technical application. Japan queried the implications of the proposal to currently submitted research plans. Australia reiterated that the revised conservation measures, if adopted, would only apply after the conservation measures come into force and therefore to fishery notifications and research proposals submitted by 1 June 2018. China expressed concern about the implementation of option 1 listed in CCAMLR-XXXVI/27 for CM 24-01.

121. Russia queried the inclusion of the deadline of 1 June when the conservation measure already states the deadline of at least six months in advance of the planned starting date for the research and the inclusion of SCIC advice in terms of exploratory fishing. A number of Members reiterated that the inclusion of a deadline date and the advice of SCIC would provide a better understanding of the requirements of intended exploratory fishing. SCIC noted that the proposed amendment text of ‘taking into account the advice provided by the Scientific Committee’ was to be removed from the proposal.

122. China expressed concern about the implications of the proposed change by the US proposal for the Ross Sea region MPA and other conservation measures. The USA clarified that in the context of the Ross Sea region MPA, the proposal will allow for research fishing in the general protection zone and would not allow exploratory fishing.

123. These two working papers were referred to the Commission.

#### Conservation Measure 32-18

124. SCIC considered the proposal submitted by Argentina, Australia, Brazil, Chile, the EU, Norway, South Africa, Uruguay and the USA to prohibit the finning of sharks caught in the CAMLR Convention Area (CCAMLR-XXXVI/26). The paper noted that CM 32-18 prohibits direct fishing of shark species and encouraged the return of incidentally caught sharks where possible, but was silent on the practice of shark finning. The paper highlighted that CCAMLR is lagging behind the UN FAO and RFMOs such as the North East Atlantic Fisheries Commission (NEAFC) in addressing this issue, and that a requirement to leave fins naturally attached would further contribute to the conservation of sharks in the Convention Area.

125. SCIC considered the background paper provided by the USA on landing shark species with fins naturally attached (CCAMLR-XXXVI/BG/14), which contains a publicly available guide to landing sharks with their fins naturally attached. The guide shows the ease and effectiveness of at-sea processing and storage of sharks with their fins attached and is available in Spanish, French and Chinese.

126. Many Members expressed strong support for the proposal and highlighted that the proposed revision to CM 32-18 was important to stop the wasteful practice of shark finning at sea.

127. The EU recognised CCAMLR's similarity to NEAFC and the Northwest Atlantic Fisheries Organization (NAFO) regarding shark occurrence in the Convention Area and encouraged CCAMLR to adopt the proposal.

128. Japan opposed the proposal, highlighting the same reasons it has continuously expressed at SCIC. These reasons included: that the direct fishery targeting sharks in the Convention Area has been already prohibited; that shark species that were caught as by-catch in the Convention Area are not associated with shark finning practice, and there has never been shark finning observed in the Convention Area; that the total catch of sharks caught as by-catch was very small and taken by a few States; and that the word 'finning' used in the proposal was misleading. Japan noted that finning meant an activity to remove fins from a shark's body, with the retention of all the fins while the body is thrown away. Japan emphasised the fact that it should not be regarded as finning to remove fins from a shark's body and retain both the fins and body for food and other uses. Japan reiterated that it has been strongly opposed to the illegal finning practice which totally contradicts sustainable use, and was disappointed that the proposal intentionally mixed the two practices.

129. Japan cited various statistics of shark catch from the CCAMLR *Statistical Bulletin*, highlighting the fact that the by-catch of sharks in the Convention Area was very small and that most of the reported by-catch occurred around Heard Island and McDonald Islands (HIMI) in Statistical Division 58.5.2. The EU noted that the data available on shark by-catch in the Convention Area is unreliable due to systematic misreporting and misidentification. In response, Japan stated its concern that it would be more problematic if shark by-catch was collected and reported by scientific observers in an unreliable manner, although it did not believe that was the case.

130. China echoed Japan's comments, encouraged Japan to share its scientific findings with other Members, questioned the scientific basis of the proposal and recalled its statement from CCAMLR-XXXIII, Annex 6, paragraph 3.66, on the matter.

131. The UK reiterated its strong support for the proposal, highlighting the fact that such a measure could assist in the precautionary management of shark species since a range shift of the species within the Convention Area, driven by climate change, was expected over the coming decades. Japan noted that no such scientific evidence had been provided by the Scientific Committee to indicate such a range shift nor increase and that under such a situation the proposed measure could not be a precautionary measure.

132. Many Members expressed disappointment that, yet again, although directed fishing for sharks is prohibited in the Convention Area, SCIC could not adopt the proposed changes to CM 32-18 to prohibit the finning of sharks and the removal of fins from the body of sharks that are incidentally caught and retained.

#### CCAMLR SISO Review Panel and revision of the text of the CCAMLR Scheme of International Scientific Observation

133. SCIC considered the proposal by the USA to progress implementation of the CCAMLR Scheme of International Scientific Observation (SISO) Review Panel recommendations (CCAMLR-XXXVI/25). Recalling the review of the CCAMLR SISO (SC-CAMLR-XXXII/07 Rev. 1), the USA noted that recent incidents involving international observers deployed in the

Pacific have raised global concerns about the safety and health of observers. The USA suggested the establishment of requirements and procedures to safeguard observers, including pre-deployment safety checks, independent communication devices and emergency action plans, as well as the adoption of a non-binding resolution to encourage Contracting Parties to apply the data collection and observer safety provisions of SISO to their national observers deployed in CCAMLR fisheries, if similarly effective provisions have not been applied. The USA noted that some of the proposed changes were brought up at the 2017 SISO Workshop in WS-SISO-17/06.

134. SCIC also considered the US background paper on the development of a vessel safety checklist and debriefing protocol for use in SISO (CCAMLR-XXXVI/BG/16). The USA provided attachments to supplement the proposed amendments to the SISO text. The USA noted the inclusion of a vessel safety checklist provided by the Marine Resources Assessment Group (MRAG) and used with respect to the observers MRAG deploys in CCAMLR fisheries and a form used in the US North Pacific Observer Program.

135. While Members agreed that ensuring the safety of observers was a priority for CCAMLR, several Members raised issues related to the scope and role of scientific observers in the context of this proposal. It was noted that such recommendations may place an additional burden on the observers.

136. Some Members highlighted the problems of a pre-deployment safety checklist, emphasising that while there is no international standard for vessel safety, it does fall within the remit of the Flag State maritime authorities, and that safety checks were usually conducted by qualified surveying authorities. Some Members raised concerns that the additional recommendations, such as the provision of an independent two-way communication device, may raise practical questions regarding cost, maintenance and ownership of such equipment. Russia noted that changes to SISO are adopted by the Commission on the basis of the recommendations of the Scientific Committee but not of SCIC. Some Members considered that the safety of observers and other policy issues were appropriately considered by SCIC.

137. Australia noted that the safety of observers is an important issue and that in this regard, Designating Members have an obligation to ensure that their observers are provided with a safe working environment on the vessels on which they are deployed.

138. Members reiterated the grave seriousness of any interference with, or intimidation or obstruction of, observers on board fishing vessels.

139. SCIC thanked the USA for its efforts in drafting the proposal but was unable to reach consensus on the matter and referred the matter to the Commission for further discussion.

### **Current level of illegal, unreported and unregulated (IUU) fishing**

140. SCIC considered CCAMLR-XXXVI/28 Rev. 2, summarising information in relation to IUU fishing trends and activity in the Convention Area.

141. SCIC noted that no vessels included on the NCP-IUU Vessel List were reported as sighted by Members inside or outside the Convention Area in 2016/17. SCIC noted that the IUU-listed vessel the *Sea Breeze* (*Andrey Dolgov*) had been sighted by Australia on 6 April 2017, 590 n miles north of Cocos Keeling Islands in FAO Area 57.

142. SCIC noted that the lack of IUU-listed vessel sightings was due to the action taken by Contracting Parties, NCPs and other organisations, including INTERPOL, in respect of CCAMLR IUU-listed vessels resulting in the investigation and prosecution of beneficial owners or the detainment or sinking of several IUU-listed vessels.

143. SCIC noted that Australia, New Zealand and the INTERPOL General Secretariat were seeking more information on the location of individuals and networks that own, operate or profit from the activity of the IUU-listed vessel *Sea Breeze* and that an INTERPOL Purple Notice has been issued in this regard.

144. SCIC noted that in accordance with CM 10-07 and the Policy to Enhance Cooperation between CCAMLR and NCPs, the Secretariat wrote to the possible Flag States of vessels included on the NCP-IUU Vessel List (Bolivia, Liberia, Mauritania, Nigeria, Saint Vincent and the Grenadines, Sierra Leone and Togo) and that no formal responses had been received.

145. SCIC noted that Liberia had emailed the Secretariat on 14 and 29 September 2017 in a response to a request for information regarding the Liberian-flagged *Bao Reefer* that is reported in CCAMLR-XXXVI/BG/18.

146. SCIC considered the spatial and temporal distribution of IUU activity in the Convention Area in 2016/17 and noted that gillnets had been recovered by authorised vessels on four occasions (Figure 1).

147. SCIC noted that the first vessel sighting reported in Subarea 48.6 was in 2014 of the IUU-listed vessel *Viking* and, as in previous years, there was compelling evidence of IUU activity in Subarea 48.6 with the recovery of IUU gear.

148. SCIC also recalled that IUU gear was recovered from Subarea 48.2 in 2016 (CCAMLR-XXXV, Annex 6, paragraph 188) and further noted with some concern that there was an apparent change in IUU activity with vessels potentially unknown, operating in Subareas 48.2 and 48.6.

149. SCIC recalled that in 2012 the Commission noted the advice of the Scientific Committee that at least seven vessels had been persistently engaged in IUU fishing activities in the Convention Area and that the information currently provided to the Secretariat is insufficient to provide sightings-based estimates of IUU catches, or to apportion it to small-scale research units (SSRUs) (SC-CAMLR-XXXI, paragraphs 6.1 to 6.7).

150. As a result, the Secretariat no longer produced an estimate of IUU catch, rather, presented a spatial and temporal overview of IUU fishing activity and trends using all available data.

151. SCIC noted that CCAMLR-XXXVI/28 Rev. 2 summarised data provided by Spain on the fishing activities of the IUU-listed vessels *Asian Warrior (Kunlun)*, *Zemour 2 (Yongding)* and *Zemour 1 (Songhua)* in Division 58.4.1 in 2014 with a reported a catch of 792.25 tonnes.

152. SCIC noted that these vessels have a long history of operating together in the Convention Area, usually supported by a reefer vessel, and have likely undertaken similar fishing activities every year since at least 2004 when they were first sighted.



153. SCIC noted that WG-FSA had welcomed the detailed and comprehensive review of IUU activity and, in particular, the catch data from the IUU-listed vessels using gillnets in areas in which research fishing is undertaken and agreed that this data could allow a review of the relationship between reported IUU vessel sightings and levels of removals, and had requested further analysis of the data.

154. SCIC welcomed the advice of the Chair of the Scientific Committee that WG-FSA had tasked Dr P. Yates (Australia) and the Secretariat to coordinate the analysis of IUU data from Division 58.4.1 and that this analysis will include other data as and when it becomes available.

155. SCIC considered Australia's estimate of IUU catch of Patagonian toothfish (*Dissostichus eleginoides*) in 2016/17 in the HIMI exclusive economic zone (EEZ) and adjacent waters of 0–50 tonnes (CCAMLR-XXXVI/BG/19). SCIC noted that this estimate remains unchanged from the previous five fishing seasons. While reporting no evidence of IUU fishing vessels in the HIMI EEZ, SCIC noted that there was a possibility that IUU fishing vessels may have made occasional forays into the EEZ.

156. Australia thanked France, New Zealand and the UK for their cooperation and effort in patrolling the Convention Area, and welcomed the actions taken by Chile against Chilean nationals involved with the IUU vessel *Viking*.

157. SCIC thanked Australia for its paper and for its continuing efforts in combating IUU fishing in the Convention Area.

158. SCIC considered France's paper CCAMLR-XXXVI/BG/21 summarising IUU observations conducted by three vessels in Subarea 58.6 and Divisions 58.5.1 and 58.5.2 in 2016/17 and providing general information on fishing activities in Divisions 58.4.3a, 58.4.3b, 58.4.4a and 58.4.4b in 2016/17. SCIC noted that no observations of IUU fishing activity were detected but that three cases of fishing gear not belonging to licensed vessels were found.

159. SCIC thanked France for its continued efforts to detect, prevent and eliminate IUU fishing in the Convention Area.

160. Spain provided the following statement:

‘To clarify the information presented in various media, the Spanish Delegation wishes to explain that, in line with Spain's commitment to the fight to eradicate IUU fishing, two legal procedures were initiated, one being a criminal procedure under the Spanish Criminal Code, and the other an administrative procedure under the Fisheries Act and the legislation of the European Union.

In addition to the SPARROW operation (sanctioning procedure in administrative proceedings) carried out by the inspection services of the General Secretariat of Fisheries, criminal proceedings were subsequently undertaken. Preliminary actions for the criminal proceedings began for the alleged commission of several offences against wildlife: illegal fishing for toothfish, material misstatement, money laundering and illicit organisation (criminal procedures). On 23 December 2016, the Spanish Supreme Court issued a ruling in which it dismissed the case and declared it closed on the basis that the Spanish courts do not have jurisdiction over it.

The closure of the criminal case does not affect the administrative procedure for disciplinary proceedings, since the administrative case was not prosecuting the fishing activity carried out by illegal vessels in waters where it would be necessary to determine whether or not Spain has jurisdiction, but the participation of natural persons and Spanish legal entities in the operation, management and ownership of vessels identified by Regional Fisheries Management Organisations or other International Organisations for having engaged in illegal, unreported and unregulated fishing or in activities contrary to the conservation and management of fishery resources, as well as the exercise of mercantile, commercial, corporate or financial activities related to them. The inclusion of vessels in IUU fishing lists is an objective fact, on which the sanctioning procedure is based regardless of any assessment of the fishing activity as such.

Unlike the criminal procedure, the administrative procedure is not based on the contravention by a vessel of the regulations managing the fishing activity in a particular geographical area at any given time, but it is based on the general prohibition, established by EU and Spanish regulations, that no national should in any way take part in the ownership, operation and management of vessels involved in IUU fishing activities.

In summary, Spain remains strongly committed to the fight against IUU fishing, the administrative actions giving excellent results through the SPARROW operations, which have resulted in the imposition of economic sanctions of over 24 million Euros, as well as in the implementation of Port State Measures and international cooperation.’

161. SCIC welcomed the paper presented by the Antarctic and Southern Ocean Coalition (ASOC) and COLTO that highlighted the importance of compliance and enforcement action undertaken in the Convention Area since 2016 and recommended further steps CCAMLR could consider (CCAMLR-XXXVI/BG/29).

162. ASOC and COLTO provided recommendations to CCAMLR Members on steps to be taken to continue to ensure continued leadership in enforcement, compliance, environmental protection and fisheries management. The recommendations expressed in the ASOC and COLTO document included: further regulating transshipments in the Convention Area; tightening legal loopholes in domestic legislation related to IUU activities; implementing a system of satellite monitoring; supporting collaborations between industry and science; ensuring the future of INTERPOL’s Project Scale; and considering ways to reduce greenhouse gas emissions produced by CCAMLR meetings.

163. ASOC and COLTO further reported that they were pleased with the progress CCAMLR has made in recent years, and looked forward to additional work in the years to come as CCAMLR does its part to protect Southern Ocean ecosystems and ensure that all fishing in the Convention Area complies with conservation measures.

#### IUU Vessel Lists

164. SCIC noted that no new vessels have been proposed for inclusion on the Provisional CP-IUU Vessel List or the Provisional NCP-IUU Vessel List for 2017/18.

165. SCIC considered information provided by the Islamic Republic of Iran for the possible removal of the *Koosha 4* from the NCP-IUU Vessel List (COMM CIRC 16/89). Iran reported that the Judiciary Department of Hormozgan Province had issued a verdict to confiscate the vessel and prohibit it from carrying out any fishing activities. It was also noted that the contract with the Spanish company that had rented the vessel had been terminated. Spain advised that it had begun an investigation into the company which was supposedly renting the vessel and that any further information would be provided to CCAMLR as it arose.

166. SCIC noted the registration of Iranian delegates for CCAMLR-XXXVI and decided that the *Koosha 4* should remain on the NCP-IUU Vessel List until more information could be provided and considered.

167. SCIC considered information provided by Spain for the possible removal of the *Seabull 22* from the NCP-IUU Vessel List (COMM CIRCs 17/41 and 17/76). Spain advised that the *Seabull 22* had been scrapped in Cabo Verde in 2016. SCIC recommended that the *Seabull 22* be removed from the NCP-IUU Vessel List.

168. SCIC considered information provided by Angola for the possible removal of the *Northern Warrior* from the NCP-IUU Vessel List (COMM CIRCs 17/65, 17/68, 17/71, 17/73 and 17/88). Spain noted that the *Northern Warrior* had transferred to a new owner with no links to the previous owner or involvement in IUU fishing activities, according to the information available. The EU expressed doubts about the certainty with which such a judgement could be made and suggested further investigation was required before the *Northern Warrior* was removed from the NCP-IUU Vessel List. The Committee proposed that the *Northern Warrior* remain on the NCP-IUU Vessel List until further clarity was reached.

169. SCIC considered information provided by Spain for the possible removal of the *Tchaw* from the NCP-IUU Vessel List (COMM CIRC 17/76). Spain advised that the *Tchaw* had been scrapped under the supervision of the Fisheries Inspection Services of the Ministry for Agriculture, Fishing, Food and the Environment. Australia noted that photographs or videos had previously been required to provide evidence for the consideration of dismantled vessels by SCIC. SCIC recommended that the *Tchaw* be removed from NCP-IUU Vessel List and noted that Spain had provided further documentation during the meeting to verify the dismantling of vessel.

170. SCIC noted information provided by the Secretariat that one vessel on the NCP-IUU Vessel List, the *Sea Breeze*, is now called the *Ayda* and noted that the NCP-IUU Vessel List would be updated accordingly.

171. The Proposed NCP-IUU Vessel List for 2017/18, as agreed by SCIC, has been provided in Appendix III for consideration and possible adoption by the Commission.

#### **Advice from the Scientific Committee to SCIC**

172. SCIC considered advice from the Scientific Committee in respect of IUU fishing data, preliminary assessments for bottom fishing, the CCAMLR tagging protocol, shark by-catch, forecasting of fisheries closures and reporting of krill catch.

173. SCIC thanked the Chair of the Scientific Committee, Dr M. Belchier (UK) for his time.

## IUU fishing

174. The Chair of the Scientific Committee noted the unprecedented availability of catch data related to IUU fishing and indicated that an analysis of IUU data from Division 58.4.1 will be coordinated intersessionally, with results reported back to CCAMLR-XXXVII (SC-CAMLR-XXXVI, Annex 7, paragraphs 2.16 and 2.17).

## Preliminary assessments

175. Australia asked the Chair of the Scientific Committee about the implications for failing to submit preliminary assessments for bottom fishing in time for consideration.

176. The Chair of the Scientific Committee considered that the information currently provided in preliminary assessments for bottom fishing is not sufficient to measure the likely impacts of longline fishing by a new vessel, and therefore the late arrival of applications did not provide a barrier for making a scientific assessment of potential impact. The Chair of the Scientific Committee noted that the Scientific Committee has made a recommendation for WG-FSA-18 to review how vessels fishing in exploratory fisheries consider their impact on benthic organisms, particularly on VMEs.

## Tagging protocol

177. The Chair of the Scientific Committee reported on the CCAMLR tagging protocol and noted that the toothfish and skate tagging methods provided by CCAMLR (found at [www.ccamlr.org/node/85702](http://www.ccamlr.org/node/85702)) are clear on how to deal with tagging larger fish, specifically the types of devices that can be used to bring larger fish selected for tagging on board the vessel. The Chair informed SCIC that the Scientific Committee was gathering information about tagging methods and application.

178. SCIC and the Chair of the Scientific Committee discussed the recapture rates of fish using different fishing methods and noted that vessels utilising trotline gear have been reported as having different recapture and survival rates (SC-CAMLR-XXXVI, Annex 7, Figures 1 and 2).

179. The Chair of the Scientific Committee noted the requirement that only fish that are in good condition should be released as tagged, therefore, a gear effect on tagging performance should not be evident. The Chair noted that a number of effects, including inconsistent assessment of fish condition or changes in environmental conditions could contribute to differences in tagging performance by vessels and recommended that all Members ensure that tag training and resource materials are made available on board. The Chair of the Scientific Committee further noted the request that all Members fishing in exploratory fisheries provide information about their tagging training processes and provide video footage of the tagging process on board each fishing vessel to WG-FSA-18, which will enable an evaluation of tagging practices.

## Shark by-catch

180. SCIC and the Chair of the Scientific Committee discussed levels of shark by-catch in CCAMLR fisheries and it was noted that several shark species are distributed throughout the Convention Area and have been reported in by-catch for longline and trawl fisheries (see WG-FSA-13/28). It was noted that no work has been conducted to assess impacts of the levels of shark by-catch in the Convention Area or potential effects of climate change on shark distribution, however, by-catch will be a focus topic at WG-FSA-18. China asked the Chair of the Scientific Committee about the area where the by-catch occurred. The Chair of the Scientific Committee indicated that by-catch occurred mostly in Areas 58 and 88, with some in Area 48, across the Polar Front.

181. The Chair of the Scientific Committee was confident that information on shark by-catch had been properly collected and provided by scientific observers on board of each fishing vessel.

## Fisheries closures

182. SCIC considered the procedure for forecasting closure dates for CCAMLR fisheries after noting a 56% overrun of the catch limit in Subarea 88.1 SSRUs B, C, G during the 2016/17 season, where a closure notice was issued within three days of the fishing season commencing.

183. China highlighted that CCAMLR is the forerunner in the application of the precautionary approach and expressed concern about the substantial overruns and asked the Chair of the Scientific Committee if there was an available scientific solution to this problem.

184. The Chair of the Scientific Committee noted the difficulty in forecasting closure dates in areas with low catch limits and suggested SCIC consider options such as effort limitation or increased frequency of catch and effort reporting to the Secretariat in order to reduce the risk of overruns.

185. SCIC noted that work had been undertaken intersessionally by the Secretariat to develop a more precautionary predictive model to forecast fishery closures based on historical data. Vessels would be notified of the fishery closure date when the fishing season commences, with the season extended as necessary.

## Krill fishery management issues

186. The Chair of the Scientific Committee reported on krill fishery management issues and highlighted the current inability of continuous fishing system vessels to record krill catches accurately at the time intervals required by CMs 21-03 and 23-06, and noted that there is a mismatch between where catch was taken and where it was reported. The Chair further noted that there is a need to find a way of reconciling observer samples and data with corresponding C1 data, as well as gaining accurate spatial and temporal locations for these samples.

187. Norway indicated that it had submitted a work plan to the Scientific Committee detailing its consideration of this problem and that intersessional work will be completed prior to

WG-EMM-18 to consider how more accurate recording of catch in space and time might be achieved on Norwegian vessels. Norway welcomed feedback on this technical and challenging problem.

## **Other SCIC business**

### **Second Performance Review of CCAMLR**

188. SCIC considered the Report of the Second Performance Review (PR2) Panel (PR2 Report) (CCAMLR-XXXVI/01). SCIC recognised the importance of the PR2 and expressed its appreciation to the Review Panel (the Panel) for its work.

189. SCIC acknowledged that the recommendations contained in the PR2 Report required careful consideration. SCIC understood that the PR2 Report was received as the work of the Panel and was intended to be used for consideration and discussion by Members. SCIC clarified that recommendations offered by SCIC would result from interpretation of the PR2 Report and need not reflect the reasoning or recommendations of the Review Panel in their entirety (Appendix IV).

190. SCIC also recognised that recommendations contained in the report would require ongoing consideration and agreed that the Performance Review should remain on future SCIC agendas until SCIC felt that the matter had been properly addressed.

191. SCIC noted that of the PR2 Report, Chapter 5 on managing fishing activities and ecosystem impacts and Chapter 6 on external factors impacting on the Convention objectives and engagement, including non-Contracting and non-Cooperating Party activities, were most relevant to the business of SCIC. SCIC discussed the following recommendations.

#### **PR2 Recommendation 9**

192. SCIC agreed that it would require the advice of the Scientific Committee in respect of this recommendation.

#### **PR2 Recommendation 10**

193. SCIC requested the Secretariat write to the International Maritime Organization (IMO) to follow up on the progress made on the Polar Code Phase 2 at the May 2018 meeting of the IMO's Maritime Safety Committee. SCIC designated this recommendation as one able to be actioned immediately.

194. Some Members acknowledged that the IMO discussions were still in progress, and that CCAMLR should consider taking its own action in respect of the safety of vessels not covered by the Safety of Life at Sea (SOLAS) Convention.

## PR2 Recommendation 11

195. SCIC considered Recommendation 11 on the need to strengthen the CCAMLR Compliance Evaluation Procedure (CCEP). SCIC supported the principle of strengthening and streamlining the CCEP.

196. SCIC expressed general support for point (i) of the recommendation, which suggested that SCIC develop a complementary scheme of response to non-compliance to give full effect to CM 10-10, paragraph 3(iii)(d), that may be applied by the Commission through the implementation of the CCEP.

197. SCIC agreed that Members should be made more accountable regarding cases of non-compliance, however, some Members expressed apprehension towards point (ii) which suggested that SCIC prioritise, on an annual basis, the conservation measures that will be the focus of its evaluation for which non-compliance could significantly undermine the effectiveness of conservation measures and the objective of the Convention.

## PR2 Recommendation 12

198. SCIC considered Recommendation 12 on the need to ensure chain of custody for catches in the Convention Area. SCIC proposed enhancing the traceability of catches, with a special emphasis on strengthening the monitoring and control of transshipment and the need to enhance NCP engagement in this regard.

199. SCIC agreed on the need for the development of a register of transshipping vessels and to revise the CDS to accommodate the recording and tracing of transhipped catches in accordance with points (ii) and (iii) of Recommendation 12. New Zealand, supported by the USA, proposed ensuring all Contracting Parties and NCPs authorised to tranship in the Convention Area should be on the register developed in accordance with point (ii) of the recommendation. China stated that SCIC reached consensus on amendments to CM 10-09 in its meeting of 2016 and CCAMLR-XXXV came close to the adoption of amendments to CM 10-09 (CCAMLR-XXXV, paragraphs 3.32 to 3.37).

## PR2 Recommendation 13

200. SCIC considered Recommendation 13 on the need to strengthen IUU vessel listing procedures.

201. SCIC agreed on the need to strengthen IUU vessel listing procedures. Australia highlighted that a number of steps have been taken globally to establish a practice and understanding that stateless fishing vessels are engaged in IUU fishing, noting in particular measures adopted by a number of RFMOs and relevant paragraphs of the 2016 sustainable fisheries resolution adopted by the UN General Assembly.

202. SCIC recognised the difficulties of implementing point (iii), expressing strong concerns about the practicalities and adverse impacts of establishing a procedure by which a vessel or vessels may be listed based on common ownership with vessels already listed on the CCAMLR IUU Vessel Lists. Argentina noted that such a proposal could constitute modification of definition of IUU fishing as established by the UN FAO framework.

203. SCIC noted the Panel's suggestion to amend CM 10-07 to explicitly provide that being a stateless vessel is a basis for IUU vessel listing (Recommendation 13i). SCIC noted that this was an element of the recommendation that could be undertaken immediately.

#### PR2 Recommendation 14

204. SCIC considered Recommendation 14 and agreed on the need to strengthen cooperation with relevant RFMOs in regard to improving cooperation with the CCAMLR CDS, addressing IUU fishing and furthering the objectives of CCAMLR.

#### PR2 Recommendation 15

205. SCIC considered Recommendation 15. Australia noted that in its view the instruments referred to in Recommendation 14 would be Arrangements, not Agreements, which is correct for instruments of less than treaty status.

#### PR2 Recommendation 16

206. SCIC considered Recommendation 16 and encouraged Members to take necessary measures to discourage NCPs from engaging in any activities that undermine the objectives of CCAMLR. Australia noted the success of the RPOA-IUU and that possible activities could build on the actions of the RPOA.

207. SCIC agreed to support mechanisms whereby Members can share experiences and best practices regarding engagement of NCPs.

#### PR2 Recommendation 17

208. SCIC endorsed Recommendation 17 and encouraged Members to take necessary measures to discourage NCPs from acting in a manner that undermines, or impinges upon, conservation measures adopted by CCAMLR.

#### PR2 Recommendation 18

209. SCIC considered Recommendation 18 which recommends that the Commission maintain a record of the actions taken by Members to request and encourage cooperation by non-Members with CCAMLR conservation measures, and of those actions taken in response to a lack of implementation of CCAMLR conservation measures, or actions that undermine CCAMLR conservation measures, involving non-Members.

210. SCIC agreed to utilise the mechanism to be developed in accordance with Recommendation 16 to share experiences and examples of best practices among Members.



211. SCIC agreed that several items from other chapters of the PR2 Report were also relevant to the work of SCIC. Recommendations from other chapters of the report which were identified by SCIC as priority which should be brought to the attention of the Commission were as follows.

#### PR2 Recommendation 20

212. SCIC considered Recommendation 20 on the need to establish a Commission Bureau involving the Scientific Committee Chair, the chairs of the standing committees and the Chair and Vice-Chair of the Commission. The recommendation proposed a Bureau to coordinate the annual work plan for the Commission and the Scientific Committee and facilitate the determination and, when needed, delivery of priority requirements for the Secretariat.

213. Australia noted CCAMLR-XXXVI/21 on behalf of Australia and the UK, which proposed to establish a formal coordination group, or Commission Bureau, and, noting the relevance to SCIC, that it would be important to include the SCIC Chair.

214. SCIC recommended that if the Commission creates a Bureau, the SCIC Chair should be included in the Bureau. SCIC agreed that this recommendation could be implemented immediately.

#### PR2 Recommendation 23

215. SCIC considered Recommendation 23 on the need to better document the background of key issues, and the history of their consideration in the Commission and the Scientific Committee, and that this be included in the development of new induction material to Members.

216. The UK and the USA recognised that the key issues of SCIC can be complex and that, if the Commission agrees to the development of new induction material, SCIC should discuss the methodology in creating these documents. China suggested that the CCAMLR website could be used to facilitate the sharing of new induction material.

#### PR2 Recommendation 28

217. SCIC considered Recommendation 28 on the need for the Secretariat to ensure that capacity building and associated outreach support is strengthened in the next review of the Secretariat's Strategic Plan.

218. SCIC recommended that the Commission should undertake capacity building and associated outreach activities to support the Secretariat in undertaking this recommendation.

#### CCAMLR website

219. SCIC considered CCAMLR-XXXVI/BG/07 that provided an overview of CCAMLR website user roles, CCAMLR website contact lists and CCAMLR e-groups. SCIC noted that the paper provided a summary of Contact Lists for compliance-related functions, related conservation measures and deadlines.

220. SCIC noted that a Compliance Contact would be created to provide a user with access to compliance-related website content and that access to compliance-related website content would then be made inaccessible to users without this role.

#### Global Environment Facility project

221. SCIC considered the paper presented by Chile, India, Namibia, South Africa and Ukraine presenting a proposal for the use of Global Environment Facility (GEF) funding to support capacity building in the GEF-eligible CCAMLR Members (CCAMLR-XXXVI/02). SCIC noted the approval of the Project Identification Form (PIF) by the GEF Council at its meeting in May 2017, and the call for engagement and input from SCIC to ensure the proposal is developed taking account of CCAMLR's priorities. If the four-year project is approved, it is expected to begin in early 2019.

222. SCIC noted that the proposed capacity building may extend to the area of compliance and management, including building MCS capacity such as Port State Measures, and encouraging participation in the SISO.

223. Ukraine and South Africa welcomed the potential for GEF funding to provide for the sustained participation of GEF-eligible countries in CCAMLR and growth in their contributions to the Convention objectives.

224. SCIC noted that CCAMLR-XXXVI/02 had been considered by SCAF and will be further considered by the Commission.

#### Polar Code Phase 2

225. SCIC welcomed the ASOC update on the progress of the Polar Code Phase 2 at IMO (CCAMLR-XXXVI/BG/26). Phase 2 of the Code is expected to address vessels not covered by the SOLAS Convention. ASOC reported that at the May 2018 MSC meeting, IMO Members will be tasked once again with discussing the scope of the second phase of work. As a consequence, it is now likely that it will be at least 2019 before serious consideration of measures for non-SOLAS vessels commences.

226. ASOC noted that CCAMLR Members are concerned about fishing vessel safety in the Convention Area. ASOC therefore urged CCAMLR Members to: support the development of mandatory measures to ensure the best improvement of safety of fishing vessels in the Southern Ocean; provide expert advice to the IMO in support of Polar Code Phase 2; attend the IMO Polar Code Phase 2 discussions, or provide information to national delegates at the meeting on the challenges and requirements of fishing vessel safety in the Southern Ocean; and, as a matter of urgency, ratify the Cape Town Agreement 2012.

227. ASOC welcomed SCIC's support of the PR2 recommendation that CCAMLR follow developments on the Polar Code and may consider implementing additional measures within CCAMLR in the absence of measures adopted through IMO. ASOC recommended that CCAMLR could introduce conservation measures addressing the minimum ice classification standards and introduce a two-tier level of training for masters and crews. CCAMLR could also

review its existing measures relevant to the safety of fishing vessels operating in the Southern Ocean, identify gaps, update existing measures and adopt new safety measures to establish a 'CCAMLR Standard' appropriate to the unique conditions of the Southern Ocean.

228. New Zealand agreed that the issue of safety at sea was of particular importance and noted that the presented paper offered a useful complement to Recommendation 10 of the PR2 Report. The UK recalled discussions relating to this recommendation, proposing the establishment of a practical method for keeping abreast of IMO deliberations. New Zealand joined ASOC in encouraging CCAMLR Members to attend the May 2018 meeting of IMO's Maritime Safety Committee and encouraged Members to contribute information relating to the safety of vessels in the Southern Ocean to IMO in order to facilitate its considerations. Australia also welcomed the ASOC paper and noted that its delegation would continue to work with colleagues that attend the IMO meeting to enable the consideration of relevant issues in IMO deliberations.

#### Close of meeting

229. SCIC offered its deep appreciation to the Chair of SCIC, Ms Kim, for her exemplary effort and hard work to manage what had been one of the most difficult meetings of SCIC. It was noted by all Members that Ms Kim has demonstrated unbending grace, professionalism and fairness in her guidance of SCIC and warmly welcomed the opportunity to work under her leadership in 2018.

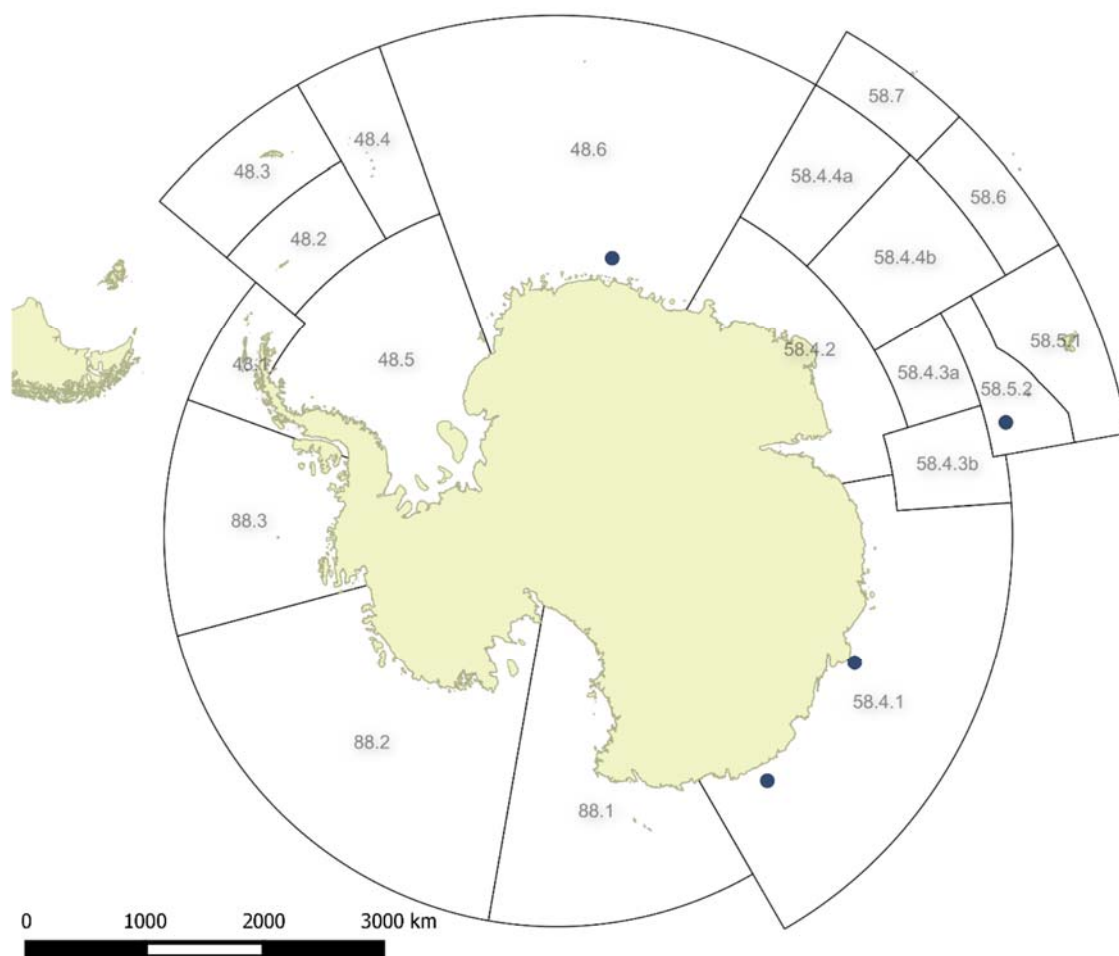


Figure 1: Location of IUU fishing gear sighted or recovered (in blue).

### **Terms of reference for the Trade Data Analyst position**

1. Refine and implement an annual process to reconcile trade data with Catch Documentation Scheme for *Dissostichus* spp. (CDS) data. This will include consideration of the management of trade data in line with CCAMLR's data management systems redevelopment work.
2. Implement a process to evaluate the effectiveness of the CDS utilising, in part, the reconciliation of trade data and CDS data.
3. Support the implementation and possible expansion of the non-Contracting Party (NCP) Engagement Strategy, including the 2018 review.
4. Provide reports of discrepancies identified between CDS data and trade data to States and support these States to follow up these issues as required.
5. Apply strategies to promote the consistent application of harmonised system (HS) codes, including through targeted cooperation and capacity building, to improve the analysis of trade data.
6. To progress in the analysis of the supply chains, notably in relation to the trade of illegal, unreported and unregulated (IUU) products (toothfish).
7. Manage the collaborative arrangement with GLOBEFISH.
8. Provide an annual report on trade data analysis to CCAMLR-XXXVII and CCAMLR-XXXVIII.

**Budget to support the Trade Data Analyst position**

1. Salary A\$140 000  
(1.0 full-time equivalent (FTE) at GS Pay Grade 5, PayPoint 17)
2. GLOBEFISH (A\$14 000)  
(Yearly access to GLOBEFISH trade data and expert advice services)

**Total****A\$154 000**

**Terms of reference for the Catch Documentation Scheme for  
*Dissostichus* spp. (CDS) Technical Working Group**

1. In order to address recommendations from the Catch Documentation Scheme for *Dissostichus* spp. (CDS) Review Panel and, taking into account the recommendation of the Second Performance Review Panel related to increasing transparency within the CDS, particularly with respect to transshipment and multiple landings and to more clearly document total catch, the Standing Committee on Implementation and Compliance (SCIC) agreed to convene the CDS Technical Working Group through an informal CCAMLR e-group to:

- (i) explore approaches to increasing transparency with regard to transshipment and specifically how to document it within the CDS, including further consideration of proposals to modify Conservation Measure (CM) 10-05 to establish transparency related to the total catch, transshipment and landing
- (ii) consider how to facilitate completion of the transition from the use of paper CDS documents to a fully electronic CDS, including possible revisions to CM 10-05 and the e-CDS User Manual to reflect this
- (iii) consider approaches to increase transparency with regard to documenting multiple landings and multiple buyers within the CDS, including the implementation and feasibility of those approaches
- (iv) explore ways to link export weights to the product types listed in the verified weight section of the *Dissostichus* Catch Document (DCD) to facilitate identification of discrepancies
- (v) consider other options or issues relating to the CDS.

2. The CDS Technical Working Group will conduct its work through an e-group during the intersessional period. Additionally, further deliberations and consultation may occur among those attending the non-Contracting Party (NCP) Engagement Strategy workshop. The CDS Technical Working Group will develop recommendations for consideration by SCIC at its 2018 meeting.

## Proposed Non-Contracting Party IUU Vessel List 2017/18

Vessel name	Flag	IMO Number	Call sign	Nature and date of activity(ies)	Year listed	Ownership history
<i>Aldabra</i>		7424891	5VAA2	• Fishing 58.4.4b (10 Nov 2006)	2007	• Cecibell Securities • Farway Shipping
<i>Amorinn</i>		7036345	5VAN9	• Sighted 58.5.1 (11 Oct 2003) • Sighted 58.4.2 (23 Jan 2004)	2003	• Infitco Ltd (Ocean Star Maritime Co.) • Seric Business S.A. • World Ocean Fishing SL
<i>Antony</i>		7236634	PQMG	• Supporting IUU-listed vessels	2016	• Atlanti Pez • Urgora S de RL • World Oceans Fishing SL
<i>Asian Warrior</i>	Saint Vincent and the Grenadines	7322897	3CAG	• Sighted 58.5.2 (31 Jan 2004) • Sighted 58.5.1 (10 May 2006) • Sighted 58.4.1 (21 Jan 2010) • Sighted 58.4.1 (13 Feb 2011) • Towing <i>Baiyangdian 57</i> (01 Apr 2012) • Sighted 58.6 (01 Jul 2012) • Sighted 58.4.2 (28 Jan 2013) • Sighted 57 (10 Mar 2013) • Fishing 58.5.1 (13 May 2013) • Sighted 57 (07 Sep 2013) • Sighted 58.4.1 (30 Mar 2014) • Sighted 57 (14 Apr 2014) • Sighted 57 (14 Dec 2014) • Hauling 5841H (07 Jan 2015) • Sighted 58.4.1 (11 Jan 2015) • Sighting 57 (26 Feb 2015)	2003	• Navalmar S.A. • Meteora Development Inc • Vidal Armadores S.A. • Rajan Corporation • Rep Line Ventures S.A. • Stanley Management Inc

(continued)



Vessel name	Flag	IMO Number	Call sign	Nature and date of activity(ies)	Year listed	Ownership history
<i>Atlantic Wind</i>	Mauritania	9042001	3CAE	<ul style="list-style-type: none"> <li>• Undocumented landing Malaysia (01 Aug 2004)</li> <li>• Fishing 58.4.3a (22 Feb 2005)</li> <li>• Fishing 58.4.3a (28 Apr 2005)</li> <li>• Fishing 58.4.3b (16 Dec 2005)</li> <li>• Fishing 58.4.3b (01 Jul 2009)</li> <li>• Fishing 58.4.2 (27 Jan 2010)</li> <li>• Fishing 58.4.3b (04 Apr 2010)</li> <li>• Fishing 58.4.1 (13 Feb 2011)</li> <li>• Sighted 57 (16 May 2012)</li> <li>• Sighted 57 (20 Oct 2012)</li> <li>• Sighted 57 (28 May 2013)</li> <li>• Sighted 57 (01 Jul 2013)</li> <li>• Sighted 57 (13 May 2014)</li> <li>• Sighted 57 (14 Dec 2014)</li> <li>• Fishing 5841H (12 Jan 2015)</li> </ul>		<ul style="list-style-type: none"> <li>• Viarsa Fishing Company/Navalmar S.A.</li> <li>• Global Intercontinental Services</li> <li>• Rajan Corporation</li> <li>• Redlines Ventures S.A.</li> <li>• High Mountain Overseas S.A.</li> </ul>
<i>Baroon</i>	Tanzania, United Republic of	9037537	5IM376	<ul style="list-style-type: none"> <li>• Fishing 58.4.1 (19 Mar 2007)</li> <li>• Sighted 88.1 (15 Jan 2008)</li> <li>• Sighted 57 (19 Dec 2010)</li> <li>• Sighted 57 (05 Oct 2012)</li> <li>• Sighted 57 (24 Mar 2013)</li> <li>• Sighted 57 (03 Sep 2013)</li> <li>• Sighted 57 (19 Nov 2013)</li> <li>• Sighted 57 (14 Feb 2014)</li> </ul>	2007	<ul style="list-style-type: none"> <li>• Punta Brava Fishing S.A.</li> <li>• Vero Shipping Corporation</li> </ul>
<i>Challenge</i>		6622642	HO5381	<ul style="list-style-type: none"> <li>• Sighted 58.4.3b (14 Feb 2006)</li> <li>• Sighted 58.4.3b (22 May 2006)</li> <li>• Sighted 58.4.3b (10 Dec 2006)</li> <li>• Sighted 58.4.3b (08 Feb 2008)</li> </ul>	2006	<ul style="list-style-type: none"> <li>• Prion Ltd</li> <li>• Vidal Armadores S.A.</li> <li>• Mar de Neptuno S.A.</li> <li>• Advantage Company S.A.</li> <li>• Argibay Perez J.A.</li> </ul>
<i>Good Hope</i>	Nigeria	7020126	5NMU	<ul style="list-style-type: none"> <li>• Resupplying IUU vessels 51 (09 Feb 2007)</li> </ul>	2007	<ul style="list-style-type: none"> <li>• Sharks Investments AVV</li> <li>• Port Plus Ltd</li> </ul>

(continued)

Vessel name	Flag	IMO Number	Call sign	Nature and date of activity(ies)	Year listed	Ownership history
<i>Heavy Sea</i>		7322926	3ENF8	<ul style="list-style-type: none"> <li>• Sighted 58.5.1 (03 Feb 2004)</li> <li>• Fishing 57 (29 Jul 2005)</li> </ul>	2004	<ul style="list-style-type: none"> <li>• C &amp; S Fisheries S.A.</li> <li>• Muner S.A.</li> <li>• Meteroros Shipping</li> <li>• Meteora Shipping Inc.</li> <li>• Barroso Fish S.A.</li> </ul>
<i>Koosha 4</i>	Iran, Islamic Republic of	7905443	9BQK	<ul style="list-style-type: none"> <li>• Sighted 58.4.1 (20 Jan 2011)</li> <li>• Sighted 58.4.1 (15 Feb 2011)</li> </ul>	2011	<ul style="list-style-type: none"> <li>• Pars Paya Seyd Industrial Fish</li> </ul>
<i>Limpopo</i>		7388267		<ul style="list-style-type: none"> <li>• Fishing 58.5.2 (21 Sep 2003)</li> <li>• Sighted 58.5.1 (03 Dec 2003)</li> <li>• Fishing 58.4.3b (23 Feb 2005)</li> <li>• Fishing 58.4.3b (14 Dec 2005)</li> <li>• Sighted 58.4.3b (25 Jan 2007)</li> </ul>	2003	<ul style="list-style-type: none"> <li>• Grupo Oya Perez (Kang Brothers)</li> <li>• Lena Enterprises Ltd</li> <li>• Alos Company Ghana Ltd</li> </ul>
<i>Northern Warrior</i>		8808903	PJSA	<ul style="list-style-type: none"> <li>• Supporting IUU-listed vessels</li> </ul>	2016	<ul style="list-style-type: none"> <li>• SIP</li> <li>• Areapesca SA</li> <li>• Snoek Wholesalers</li> <li>• Southern Trading Group</li> <li>• South Atlantic Fishing NV</li> <li>• World Ocean Fishing SL</li> <li>• Orkiz Agro-Pecuaría, Pescas, Transportes E Comercio Geral, Ltda</li> </ul>
<i>Perlon</i>		5062479	5NTV21	<ul style="list-style-type: none"> <li>• Sighted 58.5.1 (03 Dec 2002)</li> <li>• Sighted 58.5.1 (04 Jun 2003)</li> <li>• Sighted 58.4.2 (22 Jan 2004)</li> <li>• Sighted 58.4.3b (11 Dec 2005)</li> <li>• Fishing 58.4.1 (26 Jan 2006)</li> <li>• Sighted 58.4.3b (07 Dec 2006)</li> <li>• Sighted 58.4.1 (30 Dec 2006)</li> <li>• Sighted 58.4.1 (16 Dec 2008)</li> <li>• Gear sighted (10 Feb 2009)</li> <li>• Fishing 58.5.1 (08 Jun 2010)</li> <li>• Sighted 51 (10 Feb 2012)</li> <li>• Sighted 57 (20 Jul 2014)</li> <li>• Sighted, boarded 57 (22 Apr 2015)</li> </ul>	2003	<ul style="list-style-type: none"> <li>• Vakin S.A.</li> <li>• Jose Lorenzo SL</li> <li>• Americagalaica S.A.</li> </ul>

(continued)

Vessel name	Flag	IMO Number	Call sign	Nature and date of activity(ies)	Year listed	Ownership history
<i>Ayda</i>		8514772		<ul style="list-style-type: none"> <li>• Landing IUU catch (25 May 2016)</li> <li>• Sighted 57 (06 Apr 2017)</li> </ul>	2016	<ul style="list-style-type: none"> <li>• Maruha Corporation</li> <li>• Taiyo Namibia</li> <li>• Taiyo Susan</li> <li>• Sun Tai International Fishing Corp</li> <li>• STD Fisheries Co. Ltd</li> <li>• Red Star Co. Ltd</li> <li>• Poseidon Co. Ltd</li> </ul>
<i>Yele</i>		6607666	V3RB2	<ul style="list-style-type: none"> <li>• Fishing 58.4.3b (23 May 2006)</li> <li>• Fishing 58.4.2 (18 Feb 2007)</li> <li>• Fishing 58.4.3b (24 Mar 2007)</li> <li>• Fishing 58.4.3b (12 Jan 2008)</li> <li>• Fishing 58.4.3b (09 Jan 2009)</li> <li>• Fishing 58.4.3b (20 Jan 2009)</li> </ul>	2006	<ul style="list-style-type: none"> <li>• Arniston Fish Processors Pty Ltd</li> <li>• Vidal Armadores S.A.</li> <li>• Nalanza S.A.</li> <li>• Argibay Perez J.A.</li> <li>• Belfast Global S.A.</li> </ul>
<i>Zemour 1</i>	Mauritania	9319856	9LU211	<ul style="list-style-type: none"> <li>• Supporting activities of IUU vessels 51 (16 May 2008)</li> <li>• Sighted 58.4.3b (22 Apr 2009)</li> <li>• Sighted 57 (07 Dec 2009)</li> <li>• Fishing 58.4.1 (07 Apr 2010)</li> <li>• Sighted 58.4.1 (29 Jan 2012)</li> <li>• Sighted 58.4.1 (30 Jan 2012)</li> <li>• Sighted 58.4.1 (31 Jan 2012)</li> <li>• Sighted 57 (24 Apr 2012)</li> <li>• Fishing 58.6 (03 Jul 2012)</li> <li>• Sighted 57 (28 May 2013)</li> <li>• Sighted 57 (04 Jul 2013)</li> <li>• Sighted 58.4.1 (20 Jan 2014)</li> <li>• Sighted 57 (13 May 2014)</li> <li>• Sighting 57 (08 Dec 2014)</li> <li>• Hauling 5841H (06 Jan 2015)</li> </ul>	2008	<ul style="list-style-type: none"> <li>• Mabenal S.A.</li> <li>• Vidal Armadores S.A.</li> <li>• Omunkete Fishing Pty Ltd</li> <li>• Gongola Fishing JV (Pty) Ltd</li> <li>• Eastern Holdings</li> </ul>

## SCIC recommendations and specific actions for the PR2 recommendations

Recommendation number	Recommendation text	SCIC recommendations and specific actions	Implementation timeline
9	CCAMLR's current regulatory framework for fishing would be improved by having sufficient details in all fisheries-related conservation measures (category numbers 40s, 50s, 60s) on precautionary catch limits, spatial and temporal harvest strategies, plans for mandatory collection of data needed for assessing status of Antarctic marine living resources, biological data required to assess the composition of the catch, and reporting of activities. Approved fisheries research plans should be incorporated into these conservation measures. (paragraphs 39 to 42)	Deferred until after the Scientific Committee has discussed this matter	
10	Action is needed to address issues regarding the safety of 'non-SOLAS vessels' operating in Polar waters. (paragraphs 43 and 44)	The Secretariat to follow up the progress made by IMO on Polar Code Phase 2	Can be undertaken immediately
11	The CCAMLR Compliance Evaluation Procedure (CCEP) be strengthened by requiring enhanced reporting on the actions taken to address infringements, including whether a Contracting Party fails to report by the next subsequent meeting of SCIC on their follow-up investigations and rectification of non-compliance, and that such failures be identified in the annual Final CCAMLR Compliance Report as 'serious, frequent or persistent noncompliance'. (paragraphs 45 to 50)	SCIC supports to strengthen the CCEP and hold Members more accountable to responses in cases of non-compliance	
12	To ensure chain of custody, all transshipments of catch from the Convention Area, whether occurring in the Convention Area or in port, be: (i) independently verified; (ii) permitted from Contracting Party vessels only to vessels which report to the centralised vessel monitoring system (C-VMS) while operating in the Convention Area; (iii) permitted to non-Contracting Party (NCP) receiving vessels only when they are registered with CCAMLR; and (iv) for transshipments of catch from the Convention Area that occur outside of the Convention Area, detailed information should be reported to CCAMLR, including the names and International Maritime Organization (IMO) numbers of the vessels involved, quantities of catch or products by species transhipped and the date and time of transhipment. (paragraphs 51 to 55)	Enhance the traceability, with a special emphasis on strengthening the monitoring and control of transhipment; and enhance NCP engagement in this regard	
13	CCAMLR strengthen its illegal, unreported and unregulated (IUU) vessel listing procedures to provide for listing of stateless fishing vessels and for the possibility of listing vessels with the same owner as other IUU-listed vessels. (paragraphs 56 to 60)	Strengthen IUU vessel listing process, e.g. listing of stateless vessels, and possibly the same vessels under the ownership of an IUU-listed vessel	Can be undertaken immediately. Australia to draft proposal regarding stateless vessels
14	Agreements with adjacent regional fisheries bodies be further developed and operationalised to ensure the useful exchange of meaningful information and relevant data necessary to establish effective conservation and management measures applicable in the CCAMLR area. (paragraphs 62 to 66)	Strengthen cooperation with relevant RFMOs with regard to improving the Catch Documentation Scheme for <i>Dissostichus</i> spp. (CDS) and addressing IUU fishing	

(continued)

Recommendation Number	Recommendation Text	SCIC recommendations and Specific actions	Implementation Timeline
15	More pro-active communication be undertaken by the Commission and its Members, particularly with respect to engaging with other international organisations, regional bodies and international processes, with a view to ensuring that CCAMLR is recognised as, and maintains its position as, the pre-eminent forum for the conservation of Antarctic marine living resources in the region. (paragraphs 67 and 68)	Enhance communication with relevant RFMOs to promote the objectives of CCAMLR, i.e. the conservation and management of Antarctic marine living resources	
16	CCAMLR encourage its Members to exercise, within their capacities and jurisdiction, all possible bilateral and sub-regional actions to achieve effective cooperation by non-Members with CCAMLR conservation measures. (paragraphs 69 to 71)	Encourage Members to engage with NCPs to ensure the effectiveness of CCAMLR conservation measures and to develop a mechanism in which Members can share best practices with NCPs	
17	CCAMLR encourage its Members to exercise, within their capacities and jurisdiction, all possible actions to discourage non-Members from acting in a manner that undermines, or impinges upon, conservation measures adopted by CCAMLR, including by strengthening port and market-related measures, as well as measures against their nationals – both natural and legal persons – who engage in IUU fishing in the Convention Area. (paragraphs 69 to 71)	Encourage Members to take necessary measures to discourage NCPs to engage in any activities that undermine the objectives of CCAMLR	
18	The Commission maintain a record of the actions taken by Members to request and encourage cooperation by non-Members with CCAMLR conservation measures, and of those actions taken in response to a lack of implementation of CCAMLR conservation measures, or actions that undermine CCAMLR conservation measures, involving non-Members. (paragraphs 69 to 71)	SCIC will use the mechanism developed above to share experiences of best practices in engaging with NCPs	
20	A Commission Bureau be established involving the Scientific Committee Chair, the chairs of the standing committees and the Chair and Vice-Chair of the Commission, which, along with the newly established Scientific Committee Bureau, can help coordinate the annual work plan for the Commission and the Scientific Committee and facilitate the determination and, when needed, delivery of priority requirements for the Secretariat. It is proposed that the Commission Bureau should meet on every morning of the two-week annual Commission meeting. (paragraphs 76 and 77)	If the Commission creates a Bureau the SCIC Chair should be included in the Bureau	Can be implemented immediately
23	The background of key issues and the history of their consideration in the Commission and the Scientific Committee be better documented and included in new induction materials to be developed for Members. (paragraph 79)	A background of key SCIC issues and the history of their consideration in the Commission would assist new comers to SCIC	
28	The Secretariat ensure that capacity building and associated outreach support is strengthened in the next review of the Secretariat's Strategic Plan. (paragraphs 85 to 88)	The Commission should undertake capacity building and associated outreach activities	



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

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

### **Opening of meeting**

1. Dr C. Jones (USA), serving as interim Chair of the Standing Committee on Administration and Finance (SCAF) for its 2017 meeting, facilitated discussions on Item 4 of the Commission's agenda.

### **Annual Financial Statements**

#### **Examination of Audited Financial Statements for 2016**

2. Consistent with Financial Regulation 11.1, a full audit of the 2016 Financial Statements was completed in early 2017 (see COMM CIRC 17/37). The audit had identified no incidents of non-compliance with Financial Regulations or International Accounting Standards. SCAF accepted the Financial Statements as presented in CCAMLR-XXXVI/03 and recommended these be accepted by the Commission.

### **Appointment of auditor**

3. SCAF recommended the appointment of the Australian National Audit Office (ANAO) as auditor for the 2017 and 2018 financial statements.

### **Secretariat matters**

#### **Executive Secretary's Report**

4. The Executive Secretary introduced CCAMLR-XXXVI/05, noting his report included:

- a third-year implementation report for the Secretariat's Strategic Plan (2015–2018)
- the sixth annual implementation report on the Secretariat's Staffing and Salary Strategy
- a basis for the assessment of the Executive Secretary's performance (CCAMLR-XXI, paragraph 3.13)
- addressing the requirement to report on data-related activities and measures taken to maintain the integrity of CCAMLR data (SC-CAMLR-XVI, paragraph 10.14).

5. SCAF noted that the Implementation Report for the Strategic Plan, and companion documents, provided a valuable resource for Members to keep apprised of the work of the Secretariat since the last annual meeting. SCAF complimented the Secretariat on the work undertaken during the last intersessional period in support of the Commission and Scientific Committee.

6. The Executive Secretary summarised the process and outcomes of a restructure of Secretariat data and information functions and responsibilities that had been undertaken during 2017. The restructure involved the merging of the previous Data Services with Information and Communications Technology to a new Information Systems and Data Services (ISDS) section and the transfer of a position focused on data processing related to fisheries from (the former) Data Service section to the Fishery Monitoring and Compliance section of the Secretariat and fishery monitoring responsibilities to Fishery Monitoring and Compliance, previously undertaken by Data Services. The Executive Secretary advised that the restructure would lead to improved efficiencies in relation to the use of available Secretariat resources, increased technical engagement with users across all CCAMLR data and information, increased integration of all CCAMLR data, an unambiguous focus on information systems and data service responsibilities in the Secretariat and increased rigor around strategic planning to support information and data processes, including in relation to data quality, data products, web-based data services, data documentation and user requirements.

7. While it was acknowledged that personnel matters are sensitive, SCAF noted the explanations by the Executive Secretary and expressed disappointment that the Commission had not been consulted ahead of the restructure. Some Members expressed concern that the reorganisation alters the Commission-endorsed staff establishment in the Staffing and Salary Strategy, without the Commission's approval. Australia noted that there needs to be a balance between the role of the Commission and the ability of the Executive Secretary to administer the Secretariat. The Russian Federation advised that the administration of the Secretariat should not be contrary to the decisions adopted by the Commission.

8. SCAF recommended that the scheduled review of the Secretariat's Strategic Plan be used as an opportunity for the incoming Executive Secretary, in consultation with the Commission, to review the Strategic Plan and companion documents, including consideration of any ambiguities in the Staff Regulations. SCAF confirmed that Secretariat structure and functions need to reflect that sound data and information services are core business for CCAMLR and that the Secretariat structure must not compromise the scientific expertise and services that the Commission and Scientific Committee have relied on from the Secretariat since 1982. The USA expressed concern about the apparent loss of senior-level science expertise in the ISDS section as a result of the International Professional Officer post being replaced by a new data liaison position at a level that may not garner the science expertise needed for CCAMLR data management.

9. The Executive Secretary confirmed that the post previously titled Data Manager was currently undesignated and available for reassignment within the Secretariat. Funding had been provided in the provisional budgets for 2018 and 2019 to support an appointment to a post within the Secretariat, at an International Professional classification, subject to a review of staffing requirements that will be undertaken in association with the review of the Strategic Plan in 2018 should it be deemed necessary. In response to a question from a Member, the Executive Secretary noted that, should the position remain unfilled, it would lead to savings of around AU\$150 000 per year. Some Members encouraged the Commission to carefully review data and information services during the upcoming review of the Strategic Plan, including consideration of reassigning the vacant International Professional Officer post to data and information services.

10. In relation to the Staffing and Salary Strategy (CCAMLR-XXXVI/05, Attachment B) the Executive Secretary noted that the Secretariat was not aware of any major developments in

Australian work place practice since CCAMLR-XXXV that required the attention of the Commission. He advised that the Secretariat monitored developments in relation to the terms and conditions in the identified comparator agency in the Australian Public Service, the Australian Antarctic Division (AAD), and noted that CCAMLR's Staff Regulations and the Staffing and Salary Strategy acknowledge a broad, rather than complete, harmony with the AAD. He noted that the Department of Environment and Energy, which includes the AAD, had negotiated an Enterprise Agreement that came into effect in late 2016 and that the last review of the alignment of CCAMLR Secretariat General Services staff terms and conditions with those of the comparator agency had taken place in May 2016. He reported that an analysis of differences in terms and conditions under the most recent Enterprise Agreement was currently being undertaken.

11. SCAF also noted that there had recently been some revisions to the United Nations common system of salaries, allowances and benefits referred to in the Staff Regulations in respect of the international posts in the Secretariat. The Secretariat was requested to provide a review of the implications of these changes to Members as part of the forthcoming Strategic Plan review. SCAF also noted the strategic review would be an opportunity to consider the overall balance of international and local positions within the Secretariat.

12. SCAF reaffirmed that the current format and scope of reporting on the implementation of the Strategic Plan should be maintained for future reports.

### **Report of the CCAMLR Intersessional Correspondence Group on Sustainable Financing (ICG-SF)**

13. The Secretariat, as Convener of an open-ended informal correspondence group established by the Commission (CCAMLR-XXXI, Annex 7, paragraph 13), presented a progress report (CCAMLR-XXXVI/11) on intersessional consultations to further evaluate income-generating and cost-saving options (CCAMLR-XXXIII, Annex 7, paragraphs 14 and 15).

#### **Tasks advanced during 2016/17**

14. In the 2016/17 intersessional period, utilising the e-group facility, the following tasks in relation to the work endorsed at CCAMLR-XXXV (CCAMLR-XXXV, paragraph 4.1) were advanced:

- (i) Intersessional Correspondence Group on Sustainable Financing (ICG-SF) consideration of the priorities for the 2016/17 intersessional period (<https://groups.ccamlr.org/icg-sf/node/775>, CCAMLR-XXXVI/11, Attachment A)
- (ii) review of the contributions formula in other organisations (CCAMLR-XXXVI/11, Attachment B)
- (iii) preliminary review of the CCAMLR contributions formula (CCAMLR-XXXVI/11, Attachment C)
- (iv) options for sustainable financing (CCAMLR-XXXVI/11, Attachment D)

- (v) Working Capital Fund (WCF) considerations (CCAMLR-XXXVI/11, Attachment E)
- (vi) funding of conveners (CCAMLR-XXXVI/11, Attachment F).

#### Review of the contributions formula in other organisations

15. SCAF noted the review of the contributions formula for 10 fisheries conservation and management organisations and expressed appreciation to the Secretariat for the work undertaken. SCAF proposed that, as CCAMLR is not a regional fishery management organisation (RFMO), future work include a review of assessed contribution arrangements that apply in other non-fisheries bodies, and in this respect reference was made to the Antarctic Treaty Consultative Meeting (ATCM) and the International Whaling Commission (IWC).

#### Preliminary review of the CCAMLR contributions formula

16. SCAF recalled that the possibility of a review of the Members' contribution formula was first considered in 2013 and was subsequently tentatively scheduled for work during the 2016/17 intersessional period (refer CCAMLR-XXXII/24 and CCAMLR-XXXV, Annex 7, paragraph 10). SCAF thanked the Secretariat for the considerable amount of work undertaken during 2016/17 to provide Members with detailed information that is required to support review of the assessed contributions formula, the outcomes of which potentially have significant implications for all Members.

17. SCAF noted that the analysis focussed on the harvest component of the formula which, on average over the seven-year period (2011–2016), accounted for 4.5% of total contributions to the General Fund by an average of 15 Members that fished. Based on the analysis presented to CCAMLR-XXXV last year (CCAMLR-XXXV, Annex 7, paragraphs 6 to 9 and CCAMLR-XXXV/10), and noting the challenges associated with obtaining accurate estimates of the value of resources harvested in CCAMLR-regulated fisheries, this reflects 0.05% of the estimated annual Gross Value of Product (GVP) from CCAMLR toothfish, krill and icefish fisheries.

18. SCAF agreed that a review of the assessed contributions formula is a complex matter and that it would require more time to progress. SCAF advised that, while a significant amount of work had been completed by the ICG-SF over the last four years in relation to an appraisal of options to reduce costs and secure other revenue streams, these options should continue to be thoroughly evaluated in parallel to a review of the assessed contributions formula. Some Members expressed the view that changes to the assessed contributions formula should be a last resort, particularly in light of the current financial situation.

#### Options for sustainable financing

19. Noting Recommendation 29 from the Second Performance Review Panel Report, SCAF expressed appreciation to the Secretariat for the significant work it had undertaken to review options for further reducing organisational costs and exploring options for revenue generation.

SCAF endorsed the view of the Secretariat that, had no action been undertaken during the last six years to reduce costs, Members would have been required to either consider increases in assessed contributions or contemplate a reduction in Secretariat services. In this regard, SCAF was appreciative of the work undertaken and sees value in this work continuing.

#### Working Capital Fund

20. As agreed at CCAMLR-XXXV, SCAF recommended that, as the surplus in the General Fund currently serves as a reserve fund, the ICG-SF examine options for establishing an appropriate reserve fund, such as a WCF, for the Commission. The ICG-SF was requested to consider an appropriate balance to be maintained in such a Fund, any implications for the Financial Regulations, its administration and the relationship between the WCF and the General Fund, among other considerations (CCAMLR-XXXV, Annex 7, paragraph 35).

21. SCAF noted that the Commission established a Contingency Fund in 2001 which can be drawn on without recourse to a prior decision by the Commission at its annual meeting. In 2006, the Commission reaffirmed that the Contingency Fund balance is to be maintained at A\$110 000 which represents less than two weeks of normal operations for CCAMLR. The Contingency Fund is intended to support necessary expenditure which has not yet been specifically authorised by the Commission.

22. SCAF accepted that the balance of the Contingency Fund and its limited range of uses does not provide the Commission with a WCF. Since its establishment in 2001, there has been no situation necessitating use of the Contingency Fund for either unforeseen or extraordinary expenses.

23. SCAF was open to consider a WCF and commented provisionally on the draft guidelines outlined in CCAMLR-XXXVI/11, Attachment E. It agreed that a WCF increases an organisation's ability to absorb or respond to temporary changes in its environment or circumstances. It considered that the establishment of a WCF is an indicator of good financial management, governance and strategic planning.

24. SCAF agreed that the establishment of a WCF is desirable in principle, and agreed to continue its consideration of the current proposal. The purpose of the WCF should be clearly defined, including circumstances in which the Secretariat could draw down funds without approval of the Commission. Members noted the suggested cap of eight months of Secretariat operating expenses and suggested it should be significantly lower than this. SCAF agreed further intersessional work should be undertaken, utilising the ICG.

#### Funding of conveners

25. SCAF considered the Scientific Committee's request to financially support conveners to working group meetings. SCAF supported the intention of this proposal, i.e. to support a wider range of Members acting as conveners, but noted the significant cost of the proposal was a matter that should be considered by the ICG-SF. SCAF advised that numerous options could be evaluated in further consideration of this request, including the possibility of providing partial funding support (e.g. airfares only) and providing special consideration to particular

CCAMLR Member States and establishing a special fund through voluntary donations for this purpose. SCAF advised that the matter required further consideration and that this would be taken up by the ICG-SF in the next intersessional period.

#### Information required by CM 21-03, Annex 21-03/A

26. SCAF noted that the current information provided by Members concerning the quantities and values for different products for krill fishing at the time of notification (CM 21-03, Annex 21-03/A) is of limited use for the purposes of assessing the economic value of the krill fishery (CCAMLR-XXXV, Annex 7, paragraph 10i). This is because a krill fishery notification:

- (i) only requires an expected level of catch
- (ii) does not require a value for the product types described.

In addition, there is currently no mechanism to collect and verify the landed value for each product type.

#### ICG-SF future work

27. SCAF recommended that the ICG-SF continue during the 2017/18 intersessional period to further consider:

- (i) WCF
- (ii) funding of working group conveners to meetings of the Commission and Scientific Committee
- (iii) options to reduce costs and evaluate alternative revenue generation options
- (iv) another review of the Special Funds, particularly those that had been dormant for a significant period of time
- (v) the assessed contribution formula as a matter for future work.

## **Budgets**

#### Review of 2017 Budget

28. SCAF endorsed the 2017 budget as revised (Appendix I). It noted that, although there was a positive impact resulting from the introduction of fees for all fisheries notifications (CCAMLR-XXXIV, Annex 7, paragraphs 19 to 26), a deficit of A\$104 500 was forecast which, if realised, will reduce the anticipated balance of the General Fund at 31 December 2017 to A\$1 886 709.

29. The Secretariat reported that, since the circulation of the financial papers to Members on 16 August 2017, 60 days in advance of CCAMLR-XXXVI as required under the Financial

Regulations, Argentina, China, Sweden and Uruguay paid their 2017 assessed contributions. Since that date, Namibia had paid its 2016 assessed contribution but its 2017 assessed contribution is still outstanding. SCAF noted that an amount of A\$7 578 was outstanding in respect of Ukraine.

#### Draft Budget for 2018

30. SCAF recalled the Commission's decision to maintain Members' contributions at the 2014 and 2015 levels through to 2017 (CCAMLR-XXXIV, paragraph 4.7). The forecast of the budget for 2018 (Appendix II) is based upon the continued application of the Commission's policy of zero-real growth for the calculation of the equal share of Members' contributions (CCAMLR-XXXV, Appendix 7, paragraph 30).

31. Belgium and Germany noted their domestic policy is that the budgets of international organisations be zero nominal growth. Belgium also advised that this should be applied for the preparation of the 2019 (Appendix III) and subsequent budgets.

32. SCAF endorsed a proposal submitted by the Standing Committee on Implementation and Compliance (SCIC), which had been endorsed by the CDS Panel, for A\$154 000 to support trade data analysis over two years, 2018–2019.

33. SCAF considered a request from the Scientific Committee for A\$53 000 to fund an independent review of CASAL assessments in 2018. In endorsing the request, SCAF noted that the initiative should be partially funded from the balance in the Scientific Multi-year Fund. It advised that the balance in the Scientific Multi-year Fund be transferred to the General Fund, that the Scientific Multi-year Fund be closed and that the funding to support the independent review come from the General Fund.

34. It was also noted that the ICG-SF had considered holding all mid-year meetings in Hobart as a means to reduce the costs of Secretariat support to intersessional working group meetings. It was noted that the Scientific Committee felt strongly that the options for extended engagement and CCAMLR outreach provided by sharing the mid-year working group meetings among CCAMLR Members was invaluable and should be maintained. SCAF endorsed this view and agreed that funding would continue to be provided to support the travel of Secretariat staff to mid-year working group meetings convened outside of Hobart.

35. The draft budget for 2018 and associated schedule of assessed contributions (Appendix IV), is recommended for adoption by the Commission.

#### Forecast Budget for 2019

36. SCAF noted the revised forecast budget for 2019 as presented in Appendix III. The 2019 budget is indicative only.

## Other business

### Global Environment Facility (GEF) Project

37. SCAF noted that Chile, India, Namibia, South Africa and Ukraine had been working with the Secretariat and the United Nations Development Programme (UNDP) since 2010 to prepare a submission to the Global Environment Facility (GEF) for funding to support capacity building for these Members in CCAMLR (SC-CAMLR-XXIX, Annex 6, paragraphs 6.1 to 6.3; SC-CAMLR-XXIX, paragraph 17.2; SC-CAMLR-XXXIII, paragraph 10.30; SC-CAMLR-XXXIV, paragraph 10.30; SC-CAMLR-XXXV, Annex 6, paragraph 7.4; SC-CAMLR-XXXV/BG/22 and SC-CAMLR-XXXV, paragraphs 14.9 to 14.11). The project was finally approved for inclusion in the GEF work program at its May 2017 Council meeting. The four-year project is budgeted at approximately US\$6 million of grant funds from the GEF.

38. Noting that the GEF has made available US\$200 000 to assist with the design of the project, under what is termed a Project Preparatory Grant (PPG) and that the design task was required to be completed within 18 months of the GEF Council approval (i.e. by November 2018), SCAF considered that there were many questions on the proposal and in particular requested information on: (i) the proposed schedule for the drafting of the Project Document and opportunities for CCAMLR Members to review that document prior to finalisation, (ii) the role, financial and resource implications for the Secretariat, (iii) the role and implications for other CCAMLR Members (in particular, the requirement for in-kind contributions), the Scientific Committee and the Commission, (iv) institutional implications for the Antarctic Treaty System, and (v) relationships to other international organisations.

39. SCAF noted the importance of capacity building and the valuable outcomes that this project seeks to achieve. SCAF noted that, although status reports had been presented to the Scientific Committee, this was the first time that the project had been tabled for the Commission's consideration and that, as a consequence, numerous questions needed to be answered at this year's Commission meeting. In considering the implications for the CCAMLR Secretariat, the Executive Secretary noted that the administrative and technical support provided through the project would not be significantly different to such services that any Secretariat to a multilateral organisation such as CCAMLR might be expected to provide its Members. In this case, some Secretariat services may be considered as contributions in kind to the project and so serve as a valuable contribution to project co-financing, which is a critical consideration by the GEF in committing financial resources to a project.

40. The Executive Secretary considered that the necessary co-financing of approximately US\$50 million over four years could be identified relatively easily. At least 80% of the annual Commission budget and similar proportions of the annual budget of 25 CCAMLR Members that is assigned to CCAMLR-related work, including funding allocated to academic institutions in CCAMLR Members with relevance to achieving the objectives of the Convention, might qualify.

41. The Executive Secretary noted that costs for some administrative services may be recoverable from the project. In addition, subject to consultation and agreement among the five participating countries, there may be scope to support a project coordinator who could take responsibility for much of the project administration and coordination responsibilities at no impost to CCAMLR.



42. SCAF noted that the proposal should receive further consideration in the Commission next week.

#### Headquarters accommodation

43. The Executive Secretary reported that the Australian federal government and the Tasmanian state government had successfully negotiated a five-year plus five-year extension to the current lease for 181 Macquarie Street. SCAF expressed appreciation to the Tasmanian and Australian governments for successfully finalising accommodation arrangements for the Secretariat beyond the expiry of the current lease in June 2020.

#### Performance review

44. At the invitation of the Chair of the Commission, SCAF undertook a preliminary review of the recommendations associated with the Second Performance Review Report that directly relate to SCAF. SCAF endorsed Recommendation 29. With respect to Recommendation 28, SCAF noted that it was the Commission, working with the incoming Executive Secretary, that would seek to give effect to Recommendation 28 in the scheduled review of the Secretariat's Strategic Plan in 2018. It looked forward to receiving a report, at its next meeting, of an assessment of additional cost-reduction and revenue-generating options to support the sustainable financing of the organisation.

#### Collateralised debt obligation investments

45. The Executive Secretary advised that efforts to recover additional funds from the failed collateralised debt obligation investments, made prior to 2010, were ongoing with current negotiations focussed on ratings agencies (refer to CCAMLR-XXXV, Annex 7, paragraph 39).

#### **Report adoption**

46. The Report of SCAF, including its recommendations and advice to the Commission, was adopted.

#### **Close of the meeting**

47. SCAF noted, with concern, that it did not have a Chair for the 2018 meeting. The Commission was encouraged to give this matter consideration at the earliest opportunity.

48. SCAF thanked the Chair for his efficient stewardship and effective management of the meeting.

49. The Chair extended his appreciation for the cooperation and productive engagement of all Members and the professional support of the Secretariat.

50. The Chair declared the meeting closed.

## Appendix I

**Commission for the Conservation of Antarctic Marine Living Resources**  
**Revised Budget for the Year Ended 31 December 2017**

	General Fund adopted 2016	General Fund Revised	Equity Funds					Special Funds										Total
			Asset Replacement Fund	New & Expl'y Fisheries Fund	Staff Replacement Fund	Korean Contribution Fund	Contingency	Ob-server	VMS	CDS	Com-pliance	MPA	Scien-tific Multi Year	Enforce-ment	General Science Capacity	CEMP	Performance Review 2	
	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$
Income																		
Members' General Fund Contributions	3 272 000	3 272 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3 272 000
Members' Special Contributions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Interest	170 000	155 000	0	0	0	0	0	3 300	400	34 000	800	400	0	400	2 000	24 000	0	220 300
Staff Assessment Levy	540 000	520 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	520 000
Fund transfers	90 000	220 000	0	0	0	(12 320)	(220 000)	0	0	0	0	0	0	0	0	0	12 320	0
Sales (Tagging)	30 000	30 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	30 000
Miscellaneous Income	394 000	426 000	25 000	393 000	0	0	215 000	0	0	0	0	0	0	0	0	0	55 977	1 114 977
Total Income	4 496 000	4 623 000	25 000	393 000	0	(12 320)	(5 000)	3 300	400	34 000	800	400	0	400	2 000	24 000	68 297	5 157 277
Expenditure																		
Salaries and Allowances	3 176 000	3 157 000	0	393 000	0	0	0	0	0	0	0	0	0	0	0	0	0	3 550 000
Equipment	200 000	200 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	200 000
Insurance and Maintenance	230 000	230 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	230 000
Training	15 000	15 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15 000
Meeting Facilities	345 000	345 000	4 444	0	0	0	0	0	0	0	0	0	0	0	0	0	0	349 444
Travel	180 000	160 000	0	0	0	0	0	0	0	0	0	0	0	0	45 000	0	0	205 000
Printing and Copying	15 000	15 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15 000
Communications	44 000	42 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	42 000
Sundry	140 000	140 000	0	0	0	100 000	0	0	0	101 000	0	0	0	0	0	80 000	44 000	465 000
Rent/COGS	423 500	423 500	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	423 500
Total Expenditure	4 768 500	4 727 500	4 444	393 000	0	(100 000)	0	0	0	101 000	0	0	0	0	45 000	80 000	44 000	5 494 944
Surplus/(Deficit)	(272 500)	(104 500)	20 556	0	0	(112 320)	(5 000)	3 300	400	(67 000)	800	400	0	400	(43 000)	(56 000)	24 297	(337 667)
Balance at 1 January 2017	1 666 281	1 991 209	318 903	363 920	135 846	402 340	315 000	134 207	16 862	1 745 005	31 306	68 586	25 219	14 280	223 363	757 468	0	6 543 514
Balance at 31 December 2017	1 393 781	1 886 709	339 459	363 920	135 846	290 020	310 000	137 507	17 262	1 678 005	32 106	68 986	25 219	14 680	180 363	701 468	24 297	6 205 847

**Commission for the Conservation of Antarctic Marine Living Resources**  
**Draft Budget for the Year Ended 31 December 2018**

	General Fund	Equity Funds					Special Funds									Total
		Asset Re- place- ment Fund	New & Expl'y Fisheries Fund	Staff Re- place- ment Fund	Korean Contri- bution Fund	Contin- gency	Ob- server	VMS	CDS	Compli- ance	MPA	Scien- tific Multi Year	Enforce- ment	General Science Capacity	CEMP	
	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$
<b>Income</b>																
Members' General Fund Contributions	3 349 500	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3 349 500
Members' Special Contributions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Interest	160 000	0	0	0	0	0	2 750	345	32 560	642	1 380	0	294	2 607	10 529	211 108
Staff Assessment Levy	530 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	530 000
Fund transfers	240 219	0	0	0	0	(215 000)	0	0	0	0	0	(25 219)	0	0	0	0
Sales (Tagging)	30 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	30 000
Miscellaneous Income	405 000	25 000	374 000	0	0	200 000	0	0	0	0	0	0	0	0	0	1 004 000
Total Income	4 714 719	25 000	374 000	0	0	(15 000)	2 750	345	32 560	642	1 380	(25 219)	294	2 607	10 529	5 124 608
<b>Expenditure</b>																
Salaries and Allowances – Revised	3 303 500	0	374 000	0	0	0	0	0	0	0	0	0	0	0	0	3 677 500
Equipment	210 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	210 000
Insurance and Maintenance	240 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	240 000
Training	17 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17 000
Meeting Facilities	350 000	4 444	0	0	0	0	0	0	0	0	0	0	0	0	0	354 444
Travel	180 000	0	0	0	0	0	0	0	0	0	0	0	0	50 000	0	230 000
Printing and Copying	15 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15 000
Communications	45 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	45 000
Sundry	143 000	0	0	71 000	100 000	0	0	0	258 500	0	0	0	0	0	180 000	752 500
Rent/COGS	433 500	0	0	0	0	0	0	0	0	0	0	0	0	0	0	433 500
Total Expenditure	4 937 000	4 444	374 000	71 000	100 000	0	0	0	258 500	0	0	0	0	50 000	180 000	5 974 944
<b>Surplus/(Deficit)</b>	(222 281)	20 556	0	(71 000)	(100 000)	(15 000)	2 750	345	(225 940)	642	1 380	(25 219)	294	(47 393)	(169 471)	(850 336)
Balance at 1 January 2018	1 886 709	339 459	363 920	135 846	290 020	310 000	137 507	17 262	1 678 005	32 106	68 986	25 219	14 680	180 363	701 468	6 181 550
Balance at 31 December 2018	1 664 428	360 015	363 920	64 846	190 020	295 000	140 257	17 607	1 452 065	32 748	70 366	0	14 974	132 970	531 997	5 141 194

**Commission for the Conservation of Antarctic Marine Living Resources**  
**Forward Estimate for the Year Ended 31 December 2019**

	General Fund	Equity Funds					Special Funds									Total
		Asset Replacement Fund	New & Expl'y Fisheries Fund	Staff Replacement Fund	Korean Contribution Fund	Contingency	Observer	VMS	CDS	Compliance	MPA	Scientific Multi Year	Enforcement	General Science Capacity	CEMP	
	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$
Income																
Members' General Fund Contributions	3 428 405	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3 428 405
Members' Special Contributions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Interest	150 000	0	0	0	0	0	2 805	352	29 041	655	1 407	0	299	2 659	10 640	197 860
Staff Assessment Levy	540 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	540 000
Fund transfers	200 000	0	0	0	0	(200 000)	0	0	0	0	0	0	0	0	0	0
Sales (Tagging)	30 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	30 000
Miscellaneous Income	412 000	25 000	374 000	0	0	200 000	0	0	0	0	0	0	0	0	0	1 011 000
Total Income	4 760 405	25 000	374 000	0	0	0	2 805	352	29 041	655	1 407	0	299	2 659	10 640	5 207 265
Expenditure																
Salaries and Allowances	3 410 500	0	374 000	0	0	0	0	0	0	0	0	0	0	0	0	3 784 500
Equipment	210 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	210 000
Insurance and Maintenance	245 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	245 000
Training	18 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18 000
Meeting Facilities	355 000	4 444	0	0	0	0	0	0	0	0	0	0	0	0	0	359 444
Travel	180 000	0	0	0	0	0	0	0	0	0	0	0	0	30 000	0	210 000
Printing and Copying	15 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15 000
Communications	46 000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	46 000
Sundry	90 000	0	0	0	50 000	0	0	0	0	0	0	0	0	0	0	140 000
Rent/COGS	444 500	0	0	0	0	0	0	0	0	0	0	0	0	0	0	444 500
Total Expenditure	5 014 000	4 444	374 000	0	50 000	0	0	0	0	0	0	0	0	30 000	0	5 472 444
Surplus/(Deficit)	(253 595)	20 556	0	0	(50 000)	0	2 805	352	29 041	655	1 407	0	299	(27 341)	10 640	(265 179)
Balance at 1 January 2019	1 664 428	360 015	363 920	64 846	190 020	295 000	140 257	17 607	1 452 065	32 748	70 366	0	14 974	132 970	531 997	5 331 214
Balance at 31 December 2019	1 410 833	380 571	363 920	64 846	140 020	295 000	143 062	17 959	1 481 106	33 403	71 773	0	15 273	105 630	542 637	4 926 014

**Members' Contributions 2017, 2018, 2019**  
General Fund Contributions – Payable by 31 May  
(all amounts in Australian dollars)

Member	Contributions 2017	Balance Outstanding 16 August 2017	Draft Contributions 2018	Forecast Contributions 2019
Argentina	123 942	124 154.00	126 628	129 812
Australia	138 730		141 923	145 369
Belgium	123 942		126 628	129 812
Brazil	123 942	248 529.00	126 628	129 812
Chile	128 859		131 110	133 514
China	141 196	141 196.00	149 091	154 397
European Union	123 942		126 628	129 812
France	150 246		154 088	158 091
Germany	123 942		126 628	129 812
India	123 942	123 942.00	126 628	129 812
Italy	123 942		126 628	129 812
Japan	124 942		127 628	130 812
Korea, Republic of	145 613		145 106	143 701
Namibia	123 942	248 443.00	126 628	129 812
New Zealand	129 227		131 626	134 881
Norway	187 951		196 361	200 003
Poland	123 942		126 628	129 812
Russia	126 187		129 486	132 880
South Africa	125 254		128 081	131 393
Spain	125 521		128 209	131 427
Sweden	123 942	124 194.00	126 628	129 812
Ukraine	128 200	290 810.24	131 843	135 322
UK	131 770		134 315	137 449
USA	123 942		126 628	129 812
Uruguay	124 942	104 995.00	127 725	131 234
<b>Total</b>	<b>3 272 000</b>	<b>1 406 263.24</b>	<b>3 349 500</b>	<b>3 428 405</b>



**CCAMLRC Compliance Report**





## CCAMLR Compliance Report

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 10-04</b>					
China	n/a	<p>China has not provided the Secretariat with the name, address, email address and telephone numbers of the relevant authorities (VMS Contact Officers) of their Fisheries Monitoring Centre (FMC) as required by CM 10-04, paragraph 5.</p> <p>This information was requested by the Secretariat on 18 August 2016 in COMM CIRC 16/60 and again via email on 17 November 2016, 12 December 2016, 1 May 2017 and 26 May 2017.</p>	<p>Please find the required info as follows:</p> <p>Name: Mr Liming LIU            Authority: Bureau of Fisheries, Ministry of Agriculture            Address: 11 Nongzhanguan Nanli, Chaoyang District, Beijing, China            Email: <a href="mailto:bofdwf@agri.gov.cn">bofdwf@agri.gov.cn</a>            Telephone: +86 10 59192923</p> <p>During the course of CCAMLR-XXXVI, China is of the view that CM 10-04, paragraph 5 does not specify a timeline for submission of the VMS Contact Officer information.</p> <p>China submitted this information to the Secretariat on 2 August 2017.</p> <p>Further Action: Not required</p> <p>Preliminary Status: Compliant</p>		
France	n/a	<p>France has not provided the Secretariat with the name, address, email address and telephone numbers of the relevant authorities (VMS Contact Officers) of their Fisheries Monitoring Centre (FMC) as required by CM 10-04, paragraph 5.</p> <p>This information was requested by the Secretariat on 18 August 2016 in COMM CIRC 16/60 and again via email on 17 November 2016, 12 December 2016, 1 May 2017 and 26 May 2017.</p>	<p>First of all, France apologises not to have answered in time to CCAMLR requests, but second of all, France also confirms that none of the French CCAMLR usual contacts did receive any of CCAMLR requests by emails last year.</p> <p>Anyway, the list of the French relevant authorities (VMS Contact Officers) are:</p> <p>Dominique Person (Director):  <a href="mailto:dominique.person@developpement-durable.gouv.fr">dominique.person@developpement-durable.gouv.fr</a>            Phone number: +33 2 62 71 15 89</p> <p>Serge Chiarovano (Deputy Director):  <a href="mailto:Serge.Chiarovano@developpement-durable.gouv.fr">Serge.Chiarovano@developpement-durable.gouv.fr</a>            Phone number: +33 2 62 71 15 83</p> <p>Yannick Blanc (Head of Fisheries Monitoring Centre):  <a href="mailto:yannick.blanc@developpement-durable.gouv.fr">yannick.blanc@developpement-durable.gouv.fr</a>            Phone number: +33 2 62 43 43 43</p>	Non-compliant	No further action required

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 10-04 (cont.)</b>					
France (cont.)	n/a (cont.)		<p>To avoid this kind of problem in the future, France kindly request CCAMLR Secretariat to take note of the email address of the French control office managing this kind of requests:</p> <p>Email address: <a href="mailto:bcp.sdrh.dpma@developpement-durable.gouv.fr">bcp.sdrh.dpma@developpement-durable.gouv.fr</a></p> <p>Pauline Potier (Head of Fisheries Control Unit) Phone number: +33 1 40 81 89 46 <a href="mailto:pauline.potier@developpement-durable.gouv.fr">pauline.potier@developpement-durable.gouv.fr</a></p> <p>Berengere Lorans (Deputy Head of Fisheries Control Unit) Phone number: +33 1 40 81 97 76 <a href="mailto:berengere.lorans@developpement-durable.gouv.fr">berengere.lorans@developpement-durable.gouv.fr</a></p> <p>Preliminary Status: Compliant</p>		
South Africa	<i>Koryo Maru No. 11</i>	On 17 November 2016, the Secretariat advised South Africa that during 2016, it had begun work to reconcile catch and effort locations reported by vessels and VMS data. In undertaking this reconciliation, it was noted that the vessel may not have transmitted VMS data every hour while operating in the Convention Area. The Secretariat further advised that a high percentage of VMS data points transmitted by the vessel had an interval between consecutive points greater than an hour and the analysis was provided to South Africa with a request to follow up the issue. The Secretariat raised this issue again via email on 25 January 2017 and face-to-face in February 2017.	<p>South Africa acknowledges receipt of the Draft Compliance Report and further acknowledges the non-compliance with Conservation Measure 10-04 (2015). South Africa wishes to respond as follows:</p> <p>The VMS unit was working during this period, but it was reporting at 6-hourly intervals, not at the one-hourly intervals as required whilst within the Convention Area. The vessel entered Subarea 48.6 on 9 January 2017 and exited the area on 14 March 2017.</p> <p>The FMC official concerned forgot to increase the reporting rate to 1-hourly reports prior to the vessel entering the Convention Area and for the vessels duration in the area.</p> <p>There was an omission to increase the reporting rate of the VMS unit was as a result of the FMC operator failing to do so. The vessel's VMS unit was not reporting at the required 1-hour reporting frequency which was as a result of the reporting rate not being increased by the FMC operator via the VMS software.</p>	Non-compliant	No further action required

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 10-04 (cont.)</b>					
South Africa (cont.)	<i>Koryo Maru No. 11</i> (cont.)	<p>The vessel entered Subarea 48.6 on 9 January 2017. On 10 January 2017, the Secretariat identified that the vessel was not transmitting VMS data and advised South Africa with a request to confirm the ALC details that had been provided by South Africa on 5 December 2016.</p> <p>The vessel exited 14 March 2017 and on 15 March 2017 the Secretariat advised South Africa that VMS data had not been transmitted to the Secretariat. South Africa provided VMS data on 30 March 2017 and this was processed by the Secretariat.</p> <p>The Secretariat undertook an evaluation of VMS data and identified that the VMS data provided by South Africa had been at six-hour intervals, not the required 1-hour intervals. On 20 May 2017, the Secretariat advised South Africa of this and South Africa provided the following information:</p> <p><i>When the vessel is alongside we reduce the reporting rate to every six hours. The vessel sailed on the 21 April 2017, but we forgot to increase the reporting program to report every hour after the vessel sailed, this was only done on 19 May 2017. The VMS logs are attached from the date of the vessel's departure from Cape Town until today. As per the attached VMS plot, her first VMS position within the EEZ was on 26 April 2017 at 15:56 UTC, and first entry into Subarea 58.7 on 17 May 2017 at 15:56 UTC.</i></p> <p><i>We're currently receiving VMS data from two transceivers on board reporting from the Indian Ocean Region (IOR) and from the Atlantic Ocean Region East (AOR-E).</i></p>	<p>Administrative measures have been implemented for the <i>Koryo Maru No. 11</i>'s voyage to Subarea 48.6 from 9 January to 14 March 2017, the reporting rate of the VMS units was not increased to 1-hourly reports due to oversight by this office as a result of being short staffed, and for which we apologise. The VMS unit was, however, reporting at 6-hourly intervals, and these VMS logs were forwarded to CCAMLR. She only operated within this subarea for the entire duration of the trip.</p> <p>On another voyage in May, she entered Subarea 58.7 on 17 May 2017, but the VMS reporting rate was only increased to hourly on 19 May 2017 (two days after her entry into the subarea). These VMS logs were also forwarded to CCAMLR. We will endeavour to avoid a recurrence of this oversight in the future.</p> <p>Further Action: South Africa is exploring initiatives to improve the current operational challenges.</p> <p>Preliminary Status: Compliant</p>		

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 10-05</b>					
Russian Federation	<i>Palmer</i>	<p>The vessel had two <i>Dissostichus</i> Catch Documents (DCDs) issued for an at-sea transshipment (RU-16-0003-E).</p> <p>DCD RU-16-0003-E records an at-sea transshipment, however, the verified weight landed (Section 6), the description of fish sold (Section 7), the certificate of transshipment (Section 9A1) and the certificate of landing (Section 10) have not been completed and the catch does not appear, from the DCD, to have been landed.</p> <p>This issue was raised with Russia by the Secretariat via email on 20 January 2017 and followed up on 30 January 2017 and 14 February 2017. Russia responded on 15 February 2017 that the vessel did tranship with the Sierra Leonean-flagged MV <i>Kanon</i> (IMO Number: 8910665, Call Sign: 9LU2251) and provided a scanned copy of the incomplete DCD with the vessel's stamp.</p> <p>The Secretariat requested additional information in respect of the incomplete DCD sections on 15 February 2017, 16 February 2017, 19 May 2017 and 21 July 2017.</p>	<p>DCD RU-16-0003-E was issued for transshipment from the fishing vessel <i>Palmer</i> to the Sierra Leone-flagged MV <i>Kanon</i> (IMO Number: 8910665, Call Sign: 9LU2251). Due to the fact that the owner of the MV <i>Kanon</i> subsequently informed the owner of the <i>Palmer</i> about the loss of toothfish during the delivery process in connection with an incident at sea, it wasn't possible to carry out further actions to fill out the sections of the DCD dealing with unloading. Moreover, CM 10-05 does not establish any procedures for recording additional information in the event of toothfish being lost at sea. Therefore, we don't understand the reasons why the CCAMLR Secretariat included this issue in the CCAMLR Compliance Report.</p> <p>Further Action: Not required</p> <p>Preliminary Status: Compliant</p>	Compliant	No further action required

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 23-07</b>					
Australia	<i>Isla Eden</i>	<p>In January 2017, the Secretariat undertook a reconciliation of catch and effort data with CDS data and identified discrepancies between the catch and effort data and CDS data reported by the <i>Isla Eden</i>.</p> <p>The <i>Isla Eden</i>'s verified weight reported on <i>Dissostichus</i> Catch Document (DCD) AU-15-0003-E was 37 tonnes greater than the vessel's catch and effort data for the same period.</p> <p>This issue was raised with Australia by the Secretariat via email on 24 January 2017 and amended catch and effort data was submitted by Australia on 30 January 2017. The amended catch and effort data reconciled with the data reported on DCD AU-15-0003-E and included additional hauls and amended catch amounts for several individual hauls.</p> <p>Australia provided a letter to the Secretariat on 26 July 2017 detailing the submission of the amended catch and effort data.</p> <p>CM 23-07, paragraph 2(i) requires a vessel to report the total green weight of fish caught.</p> <p>CM 23-04, paragraph 3 also requires that the total target catch must be reported by a vessel.</p>	<p>1. The Australian-flagged vessel, <i>Isla Eden</i>, was licenced to undertake toothfish fishing in Statistical Division 58.5.2 in 2015, when the reported implementation issue occurred. The applicable conservation measure for data reporting for <i>Dissostichus</i> spp. in Statistical Division 58.5.2 is CM 41-08 (paragraphs 7–10 and Annex 41-08/A). As such, Australia considers the reporting obligations in CM 23-07 are not relevant.</p> <p>2. Australia provided monthly catch and effort data as required by CM 41-08, in respect of the fishing trip undertaken by the <i>Isla Eden</i> in mid-2015. However, shortly after the data was provided, Australia identified, through its reconciliation processes, that some data submitted was incorrect. Corrected data was prepared immediately but, through an administrative oversight, Australia failed to submit this to the Secretariat at the time. The failure to submit the corrected data was identified when the Secretariat notified Australia of its data reconciliation work, at which time the corrected data was promptly sent to the Secretariat.</p> <p>3. It should be noted that:</p> <ul style="list-style-type: none"> <li>a) The corrected data was 37 tonnes more than the original data.</li> <li>b) The corrected data aligns with the DCD for the trip.</li> <li>c) The corrected data was used by both Australia and the Secretariat in calculating total catch for the season.</li> <li>d) The corrected data did not include any additional hauls, only amended catch amounts for some hauls.</li> </ul> <p>4. Australia notes that the reporting error occurred in mid-2015, outside the current CCEP reporting period as defined in CM 10-10, paragraph 1(i).</p> <p>5. In response to this issue Australia has reviewed its administrative procedures to ensure timely communication with the Secretariat.</p>	Non-compliant	No further action required

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 23-07 (cont.)</b>					
Korea, Republic of	<i>Hong Jin No. 707</i>	<p>In January 2017, the Secretariat undertook a reconciliation of catch and effort data with CDS data and identified discrepancies between the catch and effort data and CDS data reported by the <i>Hong Jin No. 707</i>.</p> <p>The <i>Hong Jin No. 707</i>'s verified weight reported on <i>Dissostichus</i> Catch Document (DCD) KR-14-0004-E was 31 tonnes greater than the estimated weight reported on the DCD and reported in the vessel's catch and effort data for the same period.</p> <p>This issue was raised with Korea by the Secretariat via email on 24 January 2017 and followed up on 30 January 2017, 14 February 2017 and 19 May 2017.</p> <p>On 31 May 2017, Korea advised that in November 2015, the Ministry of Oceans &amp; Fisheries (MOF) investigated the case regarding KR-14-0004-E and took the decision to not authorise the vessel to fish in the Convention Area for the 2015/16, 2016/17 and 2017/18 fishing seasons. Hongjin Corp. subsequently filed an administrative lawsuit against MOF and a final judgement of the court was provided in April 2017 as follows:</p> <p><i>The exhibits submitted by the defendant (MOF) are not sufficient to support the defendant's claim that 30.5 tonnes of discrepancy is the result of the overfishing in the CCAMLR Convention Area or the misreporting by the plaintiff (Hongjin Corp.). On the contrary, the court finds that the difference between the reported and landed catches resulted from the inaccuracy of weighing fish on board; the practice of rounding catch weights down to ones at the time of weighting aboard; and additional weights of ice due to the glazing.</i></p>	Taking into account the advice by the Secretariat, the Government of Korea will soon submit <i>Hong Jin No. 707</i> 's daily catch and effort data associated with DCD KR-14-0004-E, which is amended according to verified landed weights.	Non-compliant	No further action required

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 23-07 (cont.)</b>					
Korea, Republic of (cont.)	<i>Hong Jin</i> <i>No. 707</i> (cont.)	<p>Korea further advised that their view regarding KR-14-0004-E concurred with the final judgment of the court.</p> <p>On 8 June 2017, the Secretariat advised Korea that the initial analysis and subsequent correspondence indicated that the daily catch and effort data reported by the vessel was incorrect (under-reported) and CM 23-07, paragraph 2(i) requires a vessel to report the total green weight of fish caught. The Secretariat further advised Korea that it may wish to consider submitting amended catch and effort data with a letter detailing the reasons for the submission.</p> <p>CM 23-04, paragraph 3, also requires that the total target catch must be reported by a vessel.</p>			
Korea, Republic of	<i>Hong Jin</i> <i>No. 701</i>	<p>In January, the Secretariat undertook a reconciliation of catch and effort data with CDS data and identified discrepancies between the catch and effort data and CDS data reported by the <i>Hong Jin No. 701</i>.</p> <p>The <i>Hong Jin No. 701</i>'s verified weight reported on DCD KR-14-0005-E was 18 tonnes greater than the estimated weight reported on the DCD and reported in the vessel's catch and effort data for the same period.</p> <p>The <i>Hong Jin No. 701</i>'s verified weight reported on DCD KR-15-0004-E was 12 tonnes greater than the estimated weight reported on the DCD and reported in the vessel's catch and effort data for the same period.</p> <p>This issue was raised with Korea by the Secretariat via email on 24 January 2017 and followed up on 30 January 2017, 14 February 2017 and 19 May 2017.</p>	Taking into account the advice by the Secretariat, the Government of Korea will soon submit <i>Hong Jin No. 701</i> 's daily catch and effort data associated with DCD-14-0005-E and KR-15-0004-E, which is amended according to verified landed weights.	Non-compliant	No further action required

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 23-07 (cont.)</b>					
Korea, Republic of (cont.)	<i>Hong Jin</i> <i>No. 701</i> (cont.)	<p>On 31 May 2017, Korea advised that following a court decision in respect of another vessel, the <i>Hong Jin No. 707</i> (DCD KR-14-0004-E), their view regarding KR-14-0005-E and KR-15-0004-E concurred with the final judgment of the court and that the vessel did not overfish.</p> <p>On 8 June 2017, the Secretariat advised Korea that the initial analysis and subsequent correspondence indicated that the daily catch and effort data reported by the vessel was incorrect (under-reported) and CM 23-07, paragraph 2(i) requires a vessel to report the total green weight of fish caught. The Secretariat further advised Korea that it may wish to consider submitting amended catch and effort data with a letter detailing the reasons for the submission.</p> <p>CM 23-04, paragraph 3, also requires that the total target catch must be reported by a vessel.</p>			
<b>Conservation Measure 25-03</b>					
Norway	<i>Antarctic</i> <i>Sea</i>	<p>At CCAMLR-XXXV, SCIC considered two issues regarding the implementation of CM 25-03 by the vessel (CCAMLR-XXXV, Annex 6, paragraph 24).</p> <p>Observer data was received under the Scheme of International Scientific Observation for krill fishing in Subarea 48.2 between 24 November 2016 and 20 January 2017. The observer reported that:</p> <p><i>A small amount of krill caught in the codend per haul was released before hauling whilst the codend was still partially submerged.</i></p> <p>With regard to the codends' quick release system and resultant discards of residual krill to the sea, the observer further advised that the codends be brought on board and the residual krill deposited in the vessel's RSW tanks.</p>	<p>The vessel owner has confirmed that some amounts of krill were discarded due to problems with the continuous pumping system.</p> <p>In accordance with the procedures established on board the vessel, the trawl shall be emptied by pumping up all the krill before it is hauled back on deck. However, incidents have occurred where krill left in the aft end of the trawl when hauling could not reach the hose opening, resulting in small amounts of krill being discarded.</p> <p>The vessel owner is committed to comply with this measure and several solutions have been tried to solve the problem. A new arrangement for connecting the vacuum pump to the codend before it is brought on board will be in place before the start of the 2017/18 season.</p> <p>Preliminary Status: Non-compliant</p>	Non-compliant	Further action required

(continued)



Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 25-03 (cont.)</b>					
Norway (cont.)	<i>Antarctic Sea</i> (cont.)	<p>Observer data was also received under the Scheme of International Scientific Observation for krill fishing in Subareas 48.1 and 48.2 between 7 February 2017 and 31 May 2017. The observer reported that:</p> <p><i>On occasions when the nets were hauled, a variable amount of krill was lost to sea from each codend if the codend rope was released and the codend opened in the last stages of recovering the gear on board. Occasionally the codends were recovered on board unopened. The amount released to sea from each codend was estimated to be between 0 kg and 350 kg. Over 22 recorded hauls it was estimated that an average of 128 kg of krill was lost each time, giving a cruise total of 2 820 kg lost.</i></p> <p>Paragraph 3 prohibits the discharge of offal and discards during the shooting and hauling of trawl gear.</p>			
<b>Conservation Measure 26-01</b>					
Korea, Republic of	<i>Sejong</i>	<p>At CCAMLR-XXXV, SCIC considered the implementation of CM 26-01 by the vessel that was reported to have dumped krill catch at sea (CCAMLR-XXXV, Annex 6, paragraphs 25 to 27). SCIC requested that updates regarding the ongoing police investigation be provided intersessionally (CCAMLR-XXXV, Annex 6, paragraph 28).</p> <p>Observer data was received under the Scheme of International Scientific Observation for krill fishing in Subareas 48.1 and 48.3 between 18 March 2016 and 8 August 2016.</p>	<p>The scientific observer stated in the cruise report that 25 kg to 45 kg of krill were spilled out during factory processing in the Subarea 48.1 despite the various actions taken by the <i>Sejong</i> to prevent krill spillage.</p> <p>A series of actions that the <i>Sejong</i> had taken before its operation in the CCAMLR area include: (i) closing up a drain which connects a fish pond to a meal plan; (ii) the installation of a secondary conveyor, which prevents krill from being lost to the floor; (iii) covering around the conveyors with tarpaulin and placing baskets below; and (iv) fixing a strainer to a drainage hole.</p> <p>Yet, the factory floor often got dirty and slippery since the ice derived from the processing and other residues closed off the drainage hole. Some of the crews working in the factory easily fell down on the floor, so there was no choice but to remove the strainer from time to time to drain water from the floor for the safety of crews and hygiene on board.</p>	Non-compliant	No further action required

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 26-01 (cont.)</b>					
Korea, Republic of (cont.)	<i>Sejong</i> (cont.)	<p>The observer noted that birds were observed feeding at the vessel's stern, port and starboard sides when factory krill spillage was discharged through starboard and port factory outlets.</p> <p>The observer noted that the majority of bird strikes reported for the vessel occurred during the 30- to 40-minute period of factory processing when it was estimated that 25 to 30 kg of krill spillage, from an average haul of approximately 14 tonnes, was discharged (0.18 to 0.2 %).</p> <p>CM 26-01, paragraph 6(ii) prohibits the dumping or discharging of discards.</p> <p>The observer noted that efforts to minimise the unintentional discharge of krill were already in place by means of a secondary conveyor belt to catch whole krill from the primary 'tray packing' conveyor belt. During the cruise, further efforts were implemented by the factory manager to curtail krill spillage and consisted of erecting plastic tarpaulins and barriers near areas prone to spillage, which then diverted the excess to either the secondary conveyor or to strategically placed collection baskets which were collected, after processing, and emptied into the holding pond.</p>	MOF regards that the krill spillage occurred during the time when a strainer was removed and the situation was also described as 'unintentional krill spillage' in the observer report.		
New Zealand	<i>Janas</i>	<p>Observer data was received under the Scheme of International Scientific Observation for longline fishing in Subareas 88.1 and 88.2 between 20 November 2016 and 7 February 2017. The observer reported that:</p> <p><i>Two Moray cods (Muraenolepis spp.), one Grenadier (Macrourus spp.), a 30–40cm length of rope and approximately 10 pieces of bait discharged into the ocean via the hauling room scupper. The factory manager was notified and the incident was recorded.</i></p>	<p>Background</p> <p>New Zealand-flagged fishing vessel (FV) <i>Janas</i> (ZMTW) operated in Subareas 88.1 and 88.2 during the period 25 November 2016 to 12 January 2017.</p> <p>Embarked observers made two observations of potential breaches of CM 26-01, specifically the discharge of offal, garbage, oil and discarding of fish.</p> <p>On receipt of the New Zealand CCAMLR Compliance Report on 8 August 2017, an investigation was commenced by the Ministry for Primary Industries (MPI).</p>	Non-compliant	No further action required

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 26-01 (cont.)</b>					
New Zealand (cont.)	<i>Janas</i> (cont.)	<p>The observer further reported that:</p> <p><i>On 28 December 2016 oil was observed leaking into the ocean. After two shifts of the engineers trying to find the leak, they discovered it was coming from some pipes in the hauling room. The pipes were fixed and the oil ceased to leak.</i></p> <p>CM 26-01, paragraph 5(i) prohibits the discharging of oil or fuel products into the sea.</p>	<p>The investigation included the following:</p> <ul style="list-style-type: none"> <li>• Analysis of Vessel Monitoring System (VMS) positional information for the duration of the trip, including plotting the positions of each potential breach</li> <li>• Obtaining observer reporting and diary information, including any debriefing material</li> <li>• Questioning the observer specifically in relation to the alleged breaches</li> <li>• Obtaining a report from the company (owner/operator) of the vessel</li> <li>• Questioning company representatives</li> <li>• Reviewing all relevant legislation</li> <li>• Reviewing previous CM 26-01 breaches and any sanctions imposed.</li> </ul> <p>Conclusions</p> <p>CM 26-01, paragraph 6(ii) prohibits the dumping or discharging of discards.</p> <p>The investigation has concluded that there was an accidental discharge from the FV <i>Janas</i> on 24 December 2016 within the Convention Area.</p> <p>A crewmember noticed a build-up of water under the grates in the hauling room, which was considered a safety issue if not addressed promptly. To address this issue, the crew member lifted up the deck grates and pulled the scum box up and out and then replaced it with the second box on standby beside it. During the process of exchanging the scum boxes the excess water sloshed forward in the room with the momentum of the vessel and washed three by-catch fish, a small amount of squid bait and a short piece of rope (about 20–30cm long) into the sump and out through the vessel’s scupper into the water.</p> <p>The crew attempted to recover the lost fish and rope without success and there was no indication that there was any discharge/discard interaction with marine mammals or seabirds as a result.</p>		

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Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 26-01 (cont.)</b>					
New Zealand (cont.)	<i>Janas</i> (cont.)	<p>The vessel's crew undertook corrective action immediately, with the company reinforcing that the process of changing scum boxes should be undertaken in a methodical manner.</p> <p>The observer didn't report any discarded fish, and on questioning the observer believed it was an accidental discharge, and not a discard.</p> <p>New Zealand considers this as a breach of CM 26-01, paragraph 6 which states:</p> <p>Prohibition of Discharge in High-Latitude Fisheries</p> <p>6. Vessels fishing south of 60°S also shall be prohibited from dumping or discharging:</p> <p>(i) offal</p> <p>(ii) discards.</p> <p>CM 26-01, paragraph 5(i) prohibits the discharging of oil or fuel products into the sea.</p> <p>The investigation has concluded that there was an accidental discharge of hydraulic oil from the FV <i>Janas</i> on 28 December 2016 within the Convention Area.</p> <p>The Captain of the FV <i>Janas</i> noticed a very light sheen on the water around the hauling room during hauling operations. The Chief Engineer was tasked immediately to investigate and informed the CCAMLR Observer of the situation.</p> <p>The Chief Engineer inspected the hydraulic pipe work in the hauling room, checking and tightening any joins he thought required attention, however, no oil leak was found.</p> <p>During the subsequent haul the slight sheen was again noticed, the Captain ordered the hauling room to be totally cleaned out and fully inspected. The Engineers still could not locate any noticeable oil leak.</p> <p>They hauled another line, taking around 4 hours. During this time, the sheen was not present on the water.</p>			

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Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 26-01 (cont.)</b>					
New Zealand (cont.)	<i>Janas</i> (cont.)		<p>On the subsequent haul when it appeared again a further check of the room was carried out and the deck plates were all lifted. Under these the Chief Engineer noticed one hydraulic fitting was slightly loose and there was a very slow leak of hydraulic oil, forming at the join. They estimated this at around one droplet per hour. The Chief immediately tightened the join. After this no further sheen was noticed and it was considered that this was where the sheen had originated from.</p> <p>The incident, on questioning the observer and the owner, was considered extremely minor due to the minimal quantity of oil discharged, estimated to be less than a tablespoon.</p> <p>The vessels crew on becoming aware of the issue undertook corrective action immediately, and proceeded to increase their routine checks to mitigate against the event occurring again.</p> <p>This is a breach of CM 26-01, paragraph 5(i) which states:</p> <p>5. Vessels fishing south of 60°S shall be prohibited from dumping or discharging:</p> <p>(i) oil or fuel products or oily residues into the sea, except as permitted under Annex I of MARPOL 73/78.</p> <p>Further Action: Following an assessment of similar CM 26-01 breaches and responses, New Zealand will issue a formal warning letter to the owner of the FV <i>Janas</i> emphasising the importance of ensuring environmental protection during fishing. If further similar related incidents are proven to have been carried out by the owner, then prosecution will be considered.</p> <p>Preliminary Status: Minor non-compliant</p>		
Norway	<i>Antarctic Sea</i>	On 27 May 2017, a report was provided by the vessel master regarding the accidental discharge of krill meal in Subarea 48.1. The vessel master reported that the vessel lost all power during the factory production process, including to the two meal dryers on board. The vessel master noted that once power is restored to a meal dryer, the main priority is to restart the dryer due to the high fire risk.	On 12 May 2017, in position 63°10'S 058°43'W, there was a blackout (loss of all power) on board the vessel while the factory production was running. In such cases the main goal is to get the krill meal dryers restarted as fast as possible after the power is restored, due to the high risk of fire the meal in the dryer represents.	No compliance status assigned	No further action required

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Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 26-01 (cont.)</b>					
Norway (cont.)	<i>Antarctic Sea (cont.)</i>	<p>Once power was restored, the second meal dryer could not be restarted and the inspection hatch was opened and the meal dryer was flushed with seawater. Five tonnes of krill meal subsequently went into the factory bilge pumps and overboard.</p> <p>Observer data received under the Scheme of International Scientific Observation for this vessel also reported this incident.</p> <p>A report of the incident was provided by Norway on 7 June 2017. Norway noted that in accordance with CM 26-01, paragraph 6, vessels are prohibited from dumping or discharging offal or discards south of 60°S. Norway additionally noted that CM 26-01 had no requirements for the reporting of accidental discards.</p>	<p>Two meal dryers were running at the time of the blackout. The crew managed to get one meal dryer up and running but was unable to get the second dryer restarted. To prevent high risk of fire, it was decided to open the bottom inspection hatch and the top inspection hatches on the dryer and then flush the dryer out with seawater from the fire line. The water and meal were flushed out of the dryer, went into the factory bilge pumps and were pumped overboard. Approximately 5 tonnes of krill meal were lost in this operation.</p> <p>Preliminary Status: Non-compliant</p>		
Norway	<i>Antarctic Sea</i>	<p>Observer data was received under the Scheme of International Scientific Observation for krill fishing in Subarea 48.2 between 24 November 2016 and 20 January 2017. The observer reported that:</p> <p><i>Whole and minced krill dropped from the conveyor belts were intermittently discharged from the scuppers during factory cleaning.</i></p> <p>The observer advised that macerating units be installed to cope with discarded krill from factory processing and cleaning and that discards from the krill dewatering unit be diverted from the trawl deck as this waste is washed to the sea.</p> <p>Observer data was also received under the Scheme of International Scientific Observation for krill fishing in Subareas 48.1 and 48.2 between 7 February 2017 and 31 May 2017.</p>	<p>The vessel owner has confirmed that some amounts of whole and minced krill were discarded from the factory due to small gaps in the factory supply chain structures as described in the observer report.</p> <p>In order to solve the issue, collectors were installed in the scuppers to prevent krill from being released to the sea from the factory. After the installation of the collectors almost no krill have been seen to be discarded.</p> <p>The attached photographs show the design of the collector. One of the photographs also shows the amount of krill collected after seven hours of production.</p> <p>Preliminary Status: Non-compliant</p>	Non-compliant	No further action required

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Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 26-01 (cont.)</b>					
Norway (cont.)	Antarctic Sea (cont.)	<p>The observer reported that:</p> <p><i>There was an issue for much of the cruise of whole krill being released to sea from the vessel factory outlets and dewatering plant. This was clearly visible in settled sea conditions as a stream of whole krill that trailed from the factory outlets out behind the vessel. Sometimes it was clearly visible from the bridge deck too. It is hard to determine how much krill was lost by this means. The cause of this loss was ultimately identified as being due to small gaps in the factory supply chain structures. Krill is supplied to the factory in water at sometimes considerable speed/pressure. This caused krill to be fired through relatively small gaps in the supply chain, and escape these structures to the factory floor. From here, they washed into the factory outlets and directly out to sea. These outlets were initially uncovered.</i></p> <p><i>This problem was brought up with the factory manager on 26 February 2017 who stated that the krill were too small. The outlets in the main factory were then partially covered with steel mesh to attempt to permit drainage of sometimes very large quantities of water while filtering out any whole krill. This solution was only partially successful as the main outlet was not fully covered and continued to release whole krill to sea. The factory also became excessively flooded, causing water to wash over the meshes and the processors to sometimes simply lift the meshes from the outlets causing everything that had been retained by them to wash out to sea.</i></p>			

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Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 26-01 (cont.)</b>					
Norway (cont.)	<i>Antarctic Sea (cont.)</i>	<p><i>On 12 March 2017, the stream of krill trailing from the vessel was clearly visible in very settled sea conditions and any gaps that could be found while the vessel was still at sea were closed or welded up. Further preventative works were attempted during the stop in production for crew-change on 20 March 2017. During a transshipment operation on 13 May 2017, further welding was done that seemed to almost solve the issue. Almost no whole krill were seen to be released from this point onwards.</i></p> <p>CM 26-01, paragraph 6(ii) prohibits the dumping or discharging of discards.</p>			
Spain	<i>Tronio</i>	<p>This vessel was inspected by New Zealand on 2 December 2016 in Subarea 88.1. It was reported that plastic packaging bands were being used on-board.</p> <p>Paragraph 1 prohibits the use of plastic packaging bands to secure bait boxes.</p>	<p>Background:</p> <p>New Zealand CCAMLR inspectors went aboard the <i>Tronio</i> to inspect it on 1 December 2016 in Subarea 88.1.</p> <p>During the inspection, the inspectors found in one of the holds 3 cut plastic packaging bands from bait boxes.</p> <p>The Subdirectorato-General for Control and Inspection (General Secretariat for Fisheries) undertook an investigation regarding this issue that included a statement of the vessel's Captain.</p> <p>Conclusion:</p> <p>The vessel's Captain immediately took all the necessary measures to remove the bands so that all CM 26-01 requirements would be met.</p> <p>The investigation concludes that there was an instance of non-compliance with CM 26-01.</p> <p>As a consequence, the shipowner and the vessel's Captain received a formal warning regarding their non-compliance with CM 26-01, in which they were more broadly advised to take more care regarding compliance with the conservation measures. They were also warned that, should the same instance of non-compliance be repeated in the future, appropriate sanctions would be imposed.</p> <p>Preliminary Status: Non-compliant</p>	Non-compliant	No further action required

(continued)



Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 26-01 (continued)</b>					
Ukraine	<i>Marigolds</i>	<p>This vessel was inspected by New Zealand on 4 December 2016 in Subarea 88.1. It was reported that plastic packaging bands were wrapped around bait boxes.</p> <p>Paragraph 1 prohibits the use of plastic packaging bands to secure bait boxes.</p>	<p>The <i>Marigolds</i> was inspected on 4 December 2016 by the inspector vessel PSS <i>WELLINGTON</i> flying the flag of New Zealand. During said inspection visit international inspectors pointed out a small portion of packed fishing bait tied with plastic packing tape, which was supposed to be promptly destroyed according to paragraph 3 of CM 26-01 (2015). Said violation of CM 26-01 (2015) was noted in the inspectors' report on the inspection of the <i>Marigolds</i> vessel flying the flag of Ukraine.</p> <p>To fix the mentioned infringement, the crew of the <i>Marigolds</i> utilised these plastic tapes in the vessel incinerator of enclosed type, drawn up an act and made an according entry in the logbook.</p> <p>Besides, the operator of the <i>Marigolds</i> flying the flag of Ukraine of the LLC <i>Suziria Pivdenna Korona</i> carried out an internal investigation concerning this incident, which resulted in the Captain of the <i>Marigolds</i>, Oleksandr Krasyl'nykov, being reprimanded for the non-compliance with the provisions of CM 26-01 (2015).</p> <p>Further Action: Ensuring an appropriate control of the compliance with the CCAMLR conservation measures, taking additional explanatory measures on fishing in the Convention Area and warning the crew about penalties in case of repeated violations of the CCAMLR conservation measures.</p> <p>Preliminary Status: Compliant</p>	Non-compliant	No further action required
<b>Conservation Measure 41-01</b>					
Norway	<i>Argos Georgia</i>	<p>Observer data was received for one cruise under the Scheme of International Scientific Observation for longline fishing in Subarea 88.1 between 19 November 2016 and 12 January 2017.</p> <p>The observer reported that the crew used a hand gaff to bring toothfish on board for tagging and this prevented the crew from landing the larger grade fish for tagging. The observer further noted that:</p>	<p>The vessel owner has confirmed that the crew did not use the landing net for large fish as required for hauling of fish for tagging pursuant to the CCAMLR tagging protocol.</p> <p>According to the crew the landing net causes injury to the fish by breaking the spines and fins. To prevent unnecessary damage to the fish, the crew on board the <i>Argos Georgia</i> has used a hand gaff to haul the fish gently on board. The observer report states that each fish was meticulously inspected for any injuries, and if the selected fish was unfit for tagging, the next suitable fish was selected.</p>	Non-compliant	No further action required

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 41-01 (cont.)</b>					
Norway (cont.)	<i>Argos Georgia</i> (cont.)	<p><i>If a larger fish was selected to be tagged, the hauler was stopped before the fish broke the surface. A thin gauge hand gaff was used by inserting the hook in the lower jaw (from inside the mouth out) and the fish was raised to the rail using both the hauler and the gaff. The snood was cut and the fish landed in the hauling room. For the very large fish, a longer hand gaff with a dulled (blunt) hook was used. The gaff hook was placed gently under the operculum (just inside the lower jaw), the snood was cut and the fish were raised using the gaff. The crew in the hauling room also helped lift these fish. It was observed that a lot of fish were sent to the factory because this raising and landing method caused some fish to bleed from the anterior region of the gills. These injuries and the inability to land very large fish for tagging can be seen in the tag-overlap graph (Appendix I). It shows that smaller fish tagged were ahead of the catch rate and the larger fish were behind the catch rate.</i></p> <p>Annex 41-01/C, paragraph 2(i) requires the tag and release of toothfish according to the CCAMLR Tagging Protocol. The CCAMLR Tagging Protocol states that a gaff should not be used for landing fish to be tagged.</p>	<p>The hand gaff was used only for large fish. For smaller fish, the line was slowly hauled to just before the roller where the snood was cut and the fish were gently brought over the rail.</p> <p>Norway recognises that the CCAMLR tagging protocol provides clear advice on how fish intended for tagging should be handled. The vessel owner and the crew will therefore be instructed to comply with the tagging provisions in the conservation measures and associated documents in the future.</p> <p>Preliminary Status: Non-compliant</p>		
United Kingdom	<i>Tronio</i>	<p>Observer data was received for one cruise under the Scheme of International Scientific Observation for longline fishing in Subareas 48.3 and 48.4 between 31 March 2016 and 17 August 2016. The observer reported several problems with tagging:</p> <p><i>The vessel's tagging station was situated outside on an open deck making tagging very difficult in rough weather or when the deck was iced over. The main reason is obviously the safety hazard combined with the size fish that were being tagged, mostly in Subarea 48.4.</i></p>	<p>In response to the information provided in the observer report, the United Kingdom undertook an investigation into the conduct of the FV <i>Tronio</i> whilst it was operating in Subarea 48.4 during the 2016 season. This investigation concluded that the FV <i>Tronio</i> had not met the requirements of the CCAMLR tagging protocol, including in respect of fish handling, and the inappropriate use of gaffs to bring larger fish on board. A fine of £40 000 was issued, which the operator accepted and paid.</p>	Non-compliant	No further action required

(continued)

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC response
<b>Conservation Measure 41-01 (cont.)</b>					
United Kingdom (cont.)	Tronio (cont.)	<p><i>There was no strong point available for the observer to attach his harness.</i></p> <p><i>The observer looked at the option of moving the tag station into the factory alongside his work area, but the release area was too far away with too many obstacles in and along the way. The scupper in factory is also too small to release these size fish through. It must be reiterated that most fish were fairly large and it often took at least two people to handle, tag and release, even on a good day.</i></p> <p><i>The larger fish were also very difficult to get out the water unharmed for tagging. The tagging station was one deck higher than the hauling room. All fish tagged had to be released from a height of 4.5 metres. The force of the impact when the fish struck the water surface could potentially cause serious injury to the released fish.</i></p> <p><i>Some large fish appeared dazed after release and took a short while to recover and swim away. Although the vessel had a scoop net available for removing fish from the water the diameter was too small as was the net itself for any large fish. Large fish were brought to the tagging station by gaff.</i></p> <p><i>Crew would gaff the fish in the lower mouth area and haul it up to the tagging station. This practise caused unnecessary injury to the fish.</i></p> <p><i>Due to extreme cold conditions, the eyes of some fish would glaze over once removed from the holding/ recovery tank and just about freeze over. The tags themselves became brittle sometimes and broke due to the freezing conditions.</i></p> <p>Annex 41-01/C, paragraph 2(i) requires the tag and release of toothfish according to the CCAMLR Tagging Protocol. The tagging protocol states that a gaff should not to be used for landing fish to be tagged.</p>	<p>To avoid any repeat of this non-compliance during the 2017 season, an additional observer was embarked at the operator's expense. The additional observer had full access to all fishing related activities and a particular focus on tagging/release, toothfish and by-catch reporting, hook management, seabird mitigation and waste management. In addition, the operator also embarked a compliance officer; reviewed their crewing and on-board operational practices; and implemented new internal controls and procedures to ensure full future compliance.</p> <p>Further Action: None</p> <p>Preliminary Status: Non-compliant</p>		