

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

**REPORT OF THE FORTY-SECOND MEETING
OF THE COMMISSION**

HOBART, AUSTRALIA
16 – 27 OCTOBER 2023

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Chair of the Commission
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Abstract

This document is the adopted record of the Forty-second Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia, from 16 to 27 October 2023. Major topics discussed at this meeting included: compliance with conservation measures in force and illegal, unreported and unregulated fishing in the Convention Area; the Report of the Forty-second meeting of CCAMLR's Scientific Committee; research proposals, the management of toothfish, icefish and krill fisheries and the impact of fishing activities on non-target species; spatial management; climate change; budget and administrative matters; and cooperation with other international organisations, including within the Antarctic Treaty System.

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**Report of the Forty-second
Meeting of the Commission**
(Hobart, Australia, 16 to 27 October 2023)

Opening of the meeting

1.1 The Forty-second Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR-42) met at its Headquarters in Hobart from 16 to 27 October 2023. It was chaired by Mr V. Tsybaliuk (Ukraine).

1.2 The following Members of the Commission were represented: Argentina, Australia, Belgium, Brazil, Chile, People's Republic of China (China), Ecuador, European Union (EU), France, Germany, India, Italy, Japan, Republic of Korea (Korea), Namibia, the Kingdom of the Netherlands (Netherlands), New Zealand, Norway, Russian Federation (Russia), Poland, South Africa, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland (UK), United States of America (USA) and Uruguay. The Commission noted that the Russian Federation was not present for the opening of the meeting or in the first week of the meetings of the Scientific Committee, the Standing Committee on Implementation and Compliance (SCIC) or the Standing Committee on Administration and Finance (SCAF), as the delegation was awaiting visas until Tuesday of the first week of the CCAMLR meeting (paragraphs 2.6 to 2.21).

1.3 The following Contracting Parties were represented as Observers: Canada and Peru. Mauritius connected to the online streaming.

1.4 The following non-Contracting Parties were represented as Observers: Colombia, Luxembourg, Singapore, Philippines and Türkiye connected to the online streaming.

1.5 The following Observers were represented in person: the Agreement on the Conservation of Albatrosses and Petrels (ACAP), the Association of Responsible Krill harvesting companies (ARK), the Antarctic and Southern Ocean Coalition (ASOC), the Antarctic Treaty Secretariat (ATS), the Coalition of Legal Toothfish Operators (COLTO), the UN Food and Agriculture Organisation (FAO), the International Union for Conservation of Nature and Natural Resources – the World Conservation Union (IUCN), Oceanites Inc., the Scientific Committee on Antarctic Research (SCAR) and the Scientific Committee on Oceanic Research (SCOR). The International Whaling Commission (IWC), the Southern Indian Ocean Fisheries Agreement (SIOFA) and the South Pacific Regional Fisheries Management Organisation (SPRFMO) connected to the online streaming.

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, the Honourable Barbara Baker AC, the Governor of Tasmania, who delivered the opening address (Annex 3).

1.8 The Governor presented Dr George Watters (USA) with a Wombat Award, in recognition of his 30 years of support to CCAMLR meetings. On behalf of the Commission,

the Chair extended his congratulations and appreciation to Dr. Watters for his significant contributions to CCAMLR's work.

1.9 On behalf of the meeting, Mr F. Lopez Crozet (Vice-Chair, Argentina) thanked the Governor for her address. He noted that the Commission, as a key component of the Antarctic Treaty System, has overcome numerous challenges throughout its history, by resorting to its basic principles such as international cooperation, the fostering of scientific research, protection of the Antarctic environment, and consensus decision making. He added that, in light of the current challenges the international community is facing, cooperation and mutual respect are needed to achieve CCAMLR's objective.

1.10 A number of statements were made by Members.

1.11 Ukraine made the following statement:

‘Distinguished delegates!

Given the unprovoked, unilateral and illegal war conducted by the Russian Federation against Ukraine, and the daily and on-going murder and mayhem against Ukrainians, we stand before you today and call on the CCAMLR parties to classify such Russian aggression as crimes against humanity.

It should be recalled that Russia was one of the signatories of the Budapest Memorandum on Guarantees of Security and Territorial Integrity of Ukraine. In that Memorandum, developed in connection with Ukraine's renunciation of nuclear weapons in 1994, as well as in the subsequent 1998 Treaty "On Friendship, Cooperation and Partnership" (Article 2), Ukraine and Russia, in accordance with the provisions of the UN Statute and obligations under the Final Act of the Conference on Security and Cooperation in Europe, officially declared respect for each other's territorial independence and confirmed the inviolability of the existing borders between them. There were also numerous other acts of international law, to which the Russian Federation recognised the borders of Ukraine as established since 1991.

Despite this, in early 2014, Russia invaded the territory of a sovereign state, occupied and then annexed the Autonomous Republic of Crimea, including the adjacent sea waters of Ukraine, and established occupational control over certain areas of Ukraine's Donetsk and Luhansk regions.

In February 2022, Russia's aggression reached a new level and transformed into a full-scale invasion with the use of the full array of modern weapons. Through force of arms, Russia has tried to establish its hegemony over Ukraine, and to realize the Kremlin's expansionist ambitions and strengthen Russia's geopolitical influence.

After nearly 20 months of the full-scale warfare, thousands of Ukrainian civilians have been killed, some 20 000 Ukrainian children have been forcibly deported, and some 5 million Ukrainians have become displaced.

Every day, Ukrainian towns and cities continue to be attacked by Russian missiles, drones, rockets, artillery and mortars, including the massacre of more than 50 people in Horza the other week. In a desperate attempt to hold temporarily occupied Ukrainian

territories, the Russian occupation forces have “mass mined” some 40 per cent of Ukraine’s arable land in southern and eastern Ukraine, unique in their productivity, and have rendered it unusable for decades to come.

Furthermore, crops that can still be grown in Ukraine cannot freely be transported to countries that are critically dependent on food supplies and aid. This is due to Russia's blockade of Black Sea routes and weaponization of food. It is also worth noting that since February 24, 2022, Russia has also completely blocked Ukraine's access to the Azov Sea, making almost impossible Ukrainian marine fisheries.

It is incontrovertible that Russian aggression continues to cause an extremely negative impact on Ukraine's activities in the Antarctic and, in particular, in the CCAMLR zone. This is due to direct destruction of Ukrainian state institutions, loss of specialists, critical problems in the logistics of Ukrainian Antarctic research, and other restrictions related to wartime conditions.

We emphasise that the global security and peace in Europe depends on Russia alone. The withdrawal of Russian troops from Ukraine and the restoration of the territorial integrity of our country is the only reliable basis for peace negotiations.

We appeal to the CCAMLR parties for support in our efforts to restore peace in Ukraine. We call on the aggressor state to stop its criminal actions.

Through CCAMLR, the international community can contribute to the restoration of peace as each party state claims its share of responsibility for the peaceful coexistence of sovereign nations. CCAMLR has the opportunity to do its utmost to ensure that there is no place for wars over territory, which are facilitated by an aggressor state's belief in the impunity of its actions.’

1.12 The USA made the following statement:

‘Thank you, Ukraine, for informing the Commission of your experiences. The United States remains convinced of the enduring value of the Antarctic Treaty system, and in particular CCAMLR as the best way to manage this unique and fragile area. However, as we meet today, the United States delegation cannot ignore the threat to the rules-based international order that Russia’s brutal war of aggression against Ukraine continues to present. We call upon the Russian government to immediately cease its use of force against Ukraine and to immediately withdraw all its military forces from the territory of Ukraine.

I would now like to turn to the U.S. Ambassador to Australia Caroline Kennedy to provide opening remarks on behalf of the United States.

Good Morning, and thank you for inviting me to join the opening of this important annual meeting.

Since I arrived in Australia, I have been learning about the work of CCAMLR from colleagues at the State Department, NOAA and NSF, as well as from our partners in the Australian scientific community and I have the utmost admiration for the work you do.

I want to acknowledge the traditional custodians of the land on which we meet – and pay my respects to Elders past, present, and emerging. I hope governments will honour the knowledge of First Nations people in all our countries and learn from their stewardship of land, sea and sky to protect our planet, its fragile ecosystems, and develop the climate solutions we need.

And thank you Governor Baker for welcoming us all to Tasmania.

We are meeting at a time of escalating conflict and suffering around the world – from Ukraine to Israel – which makes this Commission’s work ever more significant. Like cooperation in space, scientific cooperation in Antarctica has provided a beacon of hope far beyond the scientific community, restoring faith that human beings can come together in the pursuit of knowledge, and help each other survive in remote places and tough circumstances. Scientists and artists can lead a way forward across nations, based on our shared humanity and a commitment to a global order that allows people to live in peace and understanding.

I would like to congratulate the Chair of the Commission, Vitalii Tsymbaliuk, on Ukraine’s successful chairmanship of this important international commission, and am honoured to join Ukrainian Ambassador Vasyl Myroshnychenko here today.

Thank you to the head of the US Delegation, Dr. Elizabeth Kim and to NOAA Alternate Commissioner Mi Ae Kim for welcoming me. All Americans are proud of the immense contributions of the National Science Foundation and NOAA to scientific research in Antarctica and beyond, so it is an honour to join you here.

A special salute to all those the Commission has honoured for their 30 years of service, including US Delegate Dr. George Watters.

I also want to thank Dr. Polly Penhale, now in her 38th year of service, for her commitment and for taking the time to help me learn more about the work of the Commission and of the challenges faced by the Antarctic and the urgency of your work. And I look forward to meeting more Members of the Commission and Acceding States during my time here. I also want to thank the Gentoo penguins at the Central Park Zoo who helped me prepare for this visit.

It is an honour to serve my country abroad, and I am grateful to President Biden for sending me to Australia. Our alliance was formed through shared sacrifice, and in shared values, and commitment to global peace and stability which has lifted millions out of poverty. Today, it is a global partnership – and in May, Prime Minister Albanese and President Biden announced “climate” as the third pillar of the alliance.

Our joint efforts to transition to clean energy will take centre stage at next week’s State Visit to Washington.

Climate change is an existential crisis for many, a national security crisis for some, and an economic and political crisis for all. It is also a moral crisis and those of us in positions of leadership will be judged by our children for how we respond. Right now,

we aren't doing enough – and we aren't doing it fast enough. Climate change is the challenge of our time – and we don't have more time to waste when the science is so clear.

That is why this conference remains so critical. Dramatic ice melting on the Antarctic Peninsula, September's report that sea ice is at its lowest ever by an unprecedented amount and the collapse of the Antarctic Fur Seal population, have captured public attention. And there is growing public awareness about the importance of the Southern Ocean krill fishery to world food security. This is a moment of opportunity for the Commission to move forward on some long-standing proposals, and meet the global demand for action.

It's "an inflection point" when the challenges we face as a global community can best be solved by countries working together through international institutions to reach consensus and take action. The whole world looks to this Commission to preserve Antarctica from the greatest threats of climate change – before it is too late. CCAMLR's history of cooperation and collaboration has been its strength, and that tradition is more important than ever today.

I echo Governor Baker's call to harness the Hobart Spirit and reach consensus on some long-standing proposals that are becoming ever more urgent, especially creating the network of MPAs so that we can reach our shared goal of protecting 30% of the ocean by 2030.

It's not an exaggeration to say that Antarctic krill is critical to life on earth – and setting standards for its sustainable management is one of your greatest responsibilities. More widely known is that the Southern Ocean drives global climate, and I urge you to implement the Climate Change Resolution and integrate climate science into CCAMLR activities.

In the past year, I have seen the United States and Australia pass major bipartisan climate legislation. I have met with scientists from the US and the Australian-Antarctic Division who are conducting important research on the marine environment. They are using cutting edge technology to extract million-year-old samples from the ice core in order to help us better understand the Antarctic climate and its global implications. They have also conducted life-saving rescues – demonstrating the national commitment to protecting the environment and the scientists who help us understand it that all countries here have made.

I have also met individuals who are working to bring innovative solutions to scale.

Indigenous Women Rangers are working to protect their coastal environment in the Top End. Women in the Solomon Islands are restoring the mangrove forests and sustainably harvesting sea grapes to raise funds so their children can attend school. I have met Gamay Rangers who are planting sea grass in Botany Bay, working with local government to harmonize traditional knowledge and marine biology to restore the environment and fish stocks. And just two days ago, just down the road in Tasmania, I met the people at SeaForest, who have identified one species of seaweed out of 14 000 that can dramatically reduce methane emissions in the agricultural sector when added to animal feed.

People are taking action, but these problems can't be solved at an individual level. They and so many others like them around the world are looking to scientists and to institutions for guidance, hope, and inspiration. CCAMLR has provided that in the past, and I hope that this year, you can do it again. I wish you all the best for a successful conference. Thank you for having me.'

1.13 Many Members expressed their wish to associate themselves with the statement put forward by Ukraine and the USA in support of Ukraine and in terms of the urgency of ensuring the Commission takes note of, and action to address, the impacts of climate change within the Convention Area.

1.14 Ecuador made the following statement:

'Mr Chairman, delegates of the member countries of the Commission and Scientific Committee of CCAMLR, I am honoured to participate in the forty-second meeting of this committee, as a representative of Ecuador, specifically of the Oceanographic and Antarctic Institute of the Navy of Ecuador in this historic first participation of Ecuador as a member of CCAMLR, which we joined in 2022.

It is important to share with you some of the historical milestones achieved by Ecuador in Antarctica, as well as to express my country's commitment to the objectives of CCAMLR.

- Ecuador has been a member of the Antarctic Treaty since 1987, and since 1990 it has had consultative member status.

- Since 1990, Ecuador has had the Pedro Vicente Maldonado Scientific Station located on Greenwich Island, South Shetland Islands, which currently has the capacity to house up to 35 expedition members.

- We have adhered to the Protocol to the Antarctic Treaty on Environmental Protection since its origin.

- The country, through the Oceanographic and Antarctic Institute of the Navy (INOCAR), is represented before the different organizations associated to the Antarctic Treaty, such as SCAR, COMNAP, among others.

- From 1987 to 2023 we have executed 26 expeditions to Antarctica and around 200 scientific projects aligned to 6 research axes.

Today I am also accompanied as part of the Ecuadorian delegation by a representative of the Vice-Ministry of Aquaculture and Fisheries, who is the delegate to the Commission, and virtually we are accompanied by representatives of the Ministry of Environment, Water and Ecological Transition.

The spirit of Ecuador is to actively participate in the various efforts made by the Commission and the Scientific Committee of CCAMLR to contribute to the conservation of Antarctic Marine Living Resources, to contribute our grain of sand and strengthen ties of cooperation, exchange of experiences and knowledge that allow us to strengthen our scientific research programs, aimed at protecting the Antarctic environment and its associated ecosystems.'

1.15 Uruguay made the following statement:

‘Uruguay would like to extend its sincere gratitude to the Chair and Vice-Chair of the Commission for their work, as well as to the Secretariat for organising the meeting. Our special thanks also go to the Government of Tasmania, which welcomes us annually.

Uruguay once again would like to express clear condemnation of the violation of the sovereignty, territorial integrity and independence of Ukraine by the military forces of the Russian Federation. Uruguay considers the Russian invasion a clear violation of international law and of the principles set forth in the Charter of the United Nations and therefore reiterates the need for the peaceful resolution of that conflict.

Uruguay wishes to echo the words of the Governor of Tasmania, Her Excellency the Honourable Barbara Baker. We welcome the fact that the issue of climate change has been raised on the agenda of this Commission following the adoption of the resolution that was co-sponsored by Uruguay in 2022.

On the other hand, Uruguay would like to reaffirm its support for MPAs as an essential tool for the conservation of the Antarctic ecosystem.

Uruguay endeavoured to reach an agreement during the meeting in Santiago de Chile in June this year and worked towards it. Uruguay will continue to work with that aim in mind, and we hope that the continuous and constant dialogue will allow progress to be made and that we can adopt the draft conservation measure for an East Antarctic Marine Protected Area.

Chair, Uruguay would like to make special reference to the principle of good faith by the Member States towards the work of this Commission. Only on the basis of this principle, of technical information as the foundation for decision-making, of honesty and of mutual respect, will we be able to progress in our discussions. Let us not seek arguments to distort the spirit of the Convention, but on the contrary, let us work to strengthen it more and more every day. You can count on Uruguay for it.’

1.16 The Republic of Korea made the following statement:

‘On behalf of the Korean delegation, I wish to express our sincere appreciation to the Chair, other office bearers, and the Secretariat for your outstanding leadership and support. Korea extends its gratitude to the Australian government, the state of Tasmania for hosting yet another annual Commission session, as well as the SC, SCIC, and SCAF here in Hobart.

Respecting the time constraints, Korea will keep its opening statement concise and focused on three aspects that we wish to highlight among others.

First and foremost, Korea emphasises the urgency of making substantial progress on critical issues at this meeting that have long been overdue. Spatial management is of paramount importance as it is the linchpin for ensuring the long-term sustainability of our marine resources. We believe that we are already falling behind the schedule to which we collectively committed. The third Special Meeting in June this year

demonstrated the need for more forward-looking approach to this very urgent and important issue. It is time to move forward with the MPA proposals on the table rather than reverting to square one.

The second point underscores the crucial role of robust CCAMLR science as the cornerstone of our decision-making process. We must continue to invest in research and innovation to maintain our knowledge base as current and comprehensive. We should not allow politics to compromise the hard work of our dedicated scientists who greatly contribute to informed decision-making. It's important to recognise that fisheries in CCAMLR are the result of the provision of scientific information and data. That also means disturbances in scientifically reviewed fisheries can create significant gaps in CCAMLR science.

Last but not least, Korea emphasises the importance of maintaining and strengthening integrity in decision-making. It is our duty to uphold the highest standards of transparency, inclusivity, and accountability during our deliberations. We have been hearing critical voices from both within and outside CCAMLR over the past several years regarding this matter. The credibility of CCAMLR hinges on the trust we build and our unwavering commitment to our mission. Korea is dedicated to working closely with CCAMLR Members in this regard.

Before closing, Korea would like to take this opportunity to highlight the objectives of the Convention and the mandate of CCAMLR. The Commission is a conservation organisation with an important task of conserving and managing marine living resources and ecosystems in the Southern Ocean based on the best available scientific information.

Korea recognises that the international community has been going through extremely difficult times over the last several years including health, security and political challenges and extreme weather events. Korea strongly believes that CCAMLR should and can maintain its integrity and serve its purpose by safeguarding science at all times and not letting international politics get in the way of close cooperation of Members to attain the objectives of the Commission.

With that, Korea will reserve further comments on other critical issues such as climate change, MCS and IUU fishing for the remainder of the meeting. Thank you.'

1.17 China made the following statement:

'It is a great pleasure to meet with dear colleagues and friends in a beautiful season in Hobart. At the outset, China would like to thank the Governor, Ms. Baker, for her wonderful address at today's opening ceremony.

On behalf of the Chinese delegation, I would like to express my gratitude to the Government of Australia for hosting the 42nd CCAMLR meeting, my appreciation to the Chair and Secretariat for the tremendous hard work for the Commission. I would also like to welcome Ecuador to be a state party to the CAMLR Convention in 2022 and a part of this CAMLR family.

Antarctica is known as the last pure land on Earth. The CAMLR Commission is the main platform for the conservation of Antarctic marine living resources and assumes great responsibilities of protection and rational use.

As a State party to the Antarctic Treaty and the CAMLR Convention, China has consistently adhered to the basic concepts of peace, science, greenness, universality and shared governance. China is committed to understanding, protecting and utilising Antarctica, firmly upholds its obligations under the CAMLR Convention, resolutely supports the Antarctic Treaty system. China is a defender, participant and builder of the Antarctic governance mechanism. We are willing to work with other countries and partners to promote the development of Antarctic governance towards a more just and rational direction.

The current session will discuss various topics, including scientific research and monitoring, the establishment of marine protected areas, the conservation of fisheries and the impact of climate change. China looks forward to engaging in practical and constructive discussions with all parties, strengthening mutual trust and cooperation. We are ready to work with others exploring an effective way to realise the goals and objectives of the CAMLR Convention with a comprehensive consideration of the science, law and policy.

I would like to recall that in June this year, the Commission held its 3rd Special Meeting in Chile. There was an in-depth exchange of views on the establishment and operation of marine protected areas. China supports the continuation of such useful discussions at the current session which will facilitate the establishment and operation of MPA in the long run.

In accordance with the purpose and mandate of the CAMLR Convention, it is expected that our discussion focus on the conservation and rational use of Antarctic marine living resources, not the others. The Commission should adhere to this mandate and prevent any unrelated issue from interfering with the course of the CAMLR meeting.

In conclusion, China expects all parties to enhance mutual trust and build consensus through discussions and to make decisions on the basis of consensus. We wish this meeting a practical outcome and great success.'

1.18 At the time of report adoption of the report, Members of the Commission expressed different views regarding how to include paragraphs 1.11 to 1.15 in the report.

Organisation of the meeting

Adoption of agenda

2.1 China noted the letter received from Russia on 13 October 2023 (COMM CIRC 23/111) informing the Commission that Members of its delegation had not yet received visas to attend the 42nd CCAMLR meetings in-person. China expressed concern at this unexpected and unprecedented situation, and suggested an additional item be added to the draft agenda under item 2, entitled 'participation of a Member in the CCAMLR meeting' (agenda item 2.4).

2.2 The Chair reported that two Members indicated that they wished to present proposals for new measures under Agenda Item 2.

2.3 The agenda, as amended, was adopted (Annex 4).

Status of the Convention

2.4 Australia as Depositary of the Convention on the Conservation of Antarctic Marine Living Resources 1980 (the Convention) reported that no additional countries had acceded to the Convention since the 41st Meetings of the Commission. The number of Contracting Parties to the Convention remains thirty-seven (37).

Chair's Report

2.5 The Chair introduced his report (CCAMLR-42/BG/06) as read (Annex 5).

Participation of a Member in the CCAMLR Meeting

2.6 The Chair informed the Commission of the arrival of the Russian delegation to Hobart and their attendance at the Commission plenary. He noted China's previous interventions and concerns (paragraph 2.1) and responded to China's request, inviting Members to consider new Agenda Item 2.4.

2.7 Russia made the following statement:

'We want to point out that the Australian Government's blocking, by way of the non-issuance of visas, of the Russian delegation's participation in the work of the Commission and attendance at meetings of the Scientific Committee, the Standing Committee on Implementation and Compliance, and the Standing Committee on Administration and Finance, is a violation of CCAMLR's principle of equality among its Members.

Australia's breach of its obligations in terms of ensuring equal access for members of delegations, in particular the obligation to issue visas without a waiting period and delay, free of charge, has been going on for several years.

For example, visas were not granted to Russian Foreign Ministry representatives in 2022, including the Deputy Head of Delegation. The Ministry of Foreign Affairs of the Russian Federation and the Embassy of the Russian Federation in Australia received no response to their notes verbales. As the host State, the Australian Government violated Article VII of the Convention by failing to allow designated representatives, deputy representatives, and advisers to represent the Russian Federation at CCAMLR meetings. Moreover, Russia received an official visa refusal after the event.

We want to reiterate the inconsistency of the actions taken by Australia concerning Article XIX of the Headquarters Agreement. According to this agreement, the

Australian Government shall take all necessary measures to facilitate the entry into, stay in and departure from Australian territory for all representatives of Parties' delegations. Necessary visas are issued free of charge to eligible applicants without waiting periods or delays.

The Russian delegation has been subjected to discrimination, which has prevented it from taking part in various meetings, including the Scientific Committee, the Standing Committee on Implementation and Compliance, the Standing Committee on Administration and Finance, the Working Group on Fish Stock Assessment, and the opening of the Commission.

In this regard, we confirm that there has been no consensus on substantive issues, particularly regarding the propriety of convening those meetings when a member cannot attend due to visa issues. Reports from such meetings cannot be considered formally adopted by all Parties. Moreover, we reserve the right to consider only the technical rollover of CCAMLR conservation measures for the following season in such circumstances.

We propose that the Commission discuss all matters in the context of a Commission meeting, as there are no approved committee reports.

Because the Australian Government did not recognise the inappropriateness of visa refusals and the lengthy processing of visa applications, neither in 2022 nor during the current meeting, we believe bringing it to their attention is essential.

It is evident that the disagreement regarding the interpretation of commitments under the Headquarters Agreement remains ongoing. Furthermore, it cannot be guaranteed that this situation will not occur again next year.

It is, therefore, necessary to include an item in the Agenda of the next meeting: "Consultation and negotiation between the Commission and Australia on interpretation with respect to its obligations under Article XIX of the Headquarters Agreement to address the dispute settlement procedure". There is nothing to stop the initiation of this procedure at the current CCAMLR meeting.

During this meeting, we would also ask the Commission to establish clear measures to ensure equal access for all CCAMLR member countries during meetings of the Commission, Scientific Committee, SCIC and SCAF in 2024.

We will participate in preparing the agenda proposals for the next CCAMLR meeting, including dates and locations.'

2.8 Australia made the following statement:

'Australia is proud to host the CCAMLR Headquarters and is similarly proud that the annual meetings are held in Hobart. We take our obligations under the Headquarters Agreement very seriously and we have always acted in accordance with those obligations.

The terms of the CAMLR Convention are that each Member shall be represented by one representative, who may be accompanied by alternate representatives and advisers. We

note that Heads of Delegation offered the Russian delegation alternatives to participate, including virtually and through representatives already in the country.

Australia rejects any allegation that it has treated the Russian delegation any differently than any other Member.

Under Australia's universal visa system, all visitors to Australia must have a valid visa to travel to and enter Australia. All non-citizens applying for visas to enter Australia are considered on an individual basis and must satisfy the requirements of the Migration Act 1958 and Migration Regulations 1994, including identity, health, security and character requirements.

The visa requirements for foreign nationals seeking to enter Australia to attend CCAMLR meetings are consistent with Australia's obligations under the CCAMLR Headquarters Agreement.

The visa application process does provide for no Visa Application Charge to be paid, as was the case with the visa applications lodged by two of the three Russian delegates. The third delegate paid the Visa Application Charge.

Where a Visa Application Charge paid is unnecessary, then a repayment of that charge can be made. Home Affairs will consider whether a repayment of the charge is applicable for the delegate who paid it.

Processing times for visa applications are detailed on the Home Affairs website and will vary depending on the circumstances of the individual application. To ensure timely processing, we encourage all applicants to provide all required documents at the time of application, as well as complete and timely responses to requests for further information. We continue to encourage all delegates to submit visa applications as early as possible to facilitate participation in meetings.

Once again, I would like to reiterate that Australia takes its obligations under the Headquarters Agreement very seriously. We have always acted in accordance with the Headquarters Agreement and will continue to do so.'

2.9 Russia reiterated that in addition to being considered as part of CCAMLR-43, an agenda item on the obligations of the host government could be considered in the present year (CCAMLR-42). It noted the importance of guarantees that no member country would be deprived of the opportunity to participate in future, and that in Russia's case, the processing of visas in 2023 exceeded standard timeframes.

2.10 China made the following statement:

'At the outset, China joins others to welcome the Russian Delegation to attend the CCAMLR meeting in the second week of this session. We thank all members of the Commission, Chairman of the Commission, the Executive Secretary, the Secretariat for their efforts to make this possible.

Under this agenda item, China would like to reiterate and emphasise the following points:

First, the issuance of visas to a delegation is an international obligation. As far as any intergovernmental organisation to be concerned, in accordance with its Headquarters Agreement and customary international practices, the host country Government is obliged to issue visas to representatives of Parties without wait or delay. Whenever it is, wherever it is, visa issuance shall not be taken as a tool to prevent a Party from attending meetings. Such behaviour is totally unacceptable.

Second, the absence of a member due to visa reasons undermines its equal participation in the meetings of CCAMLR. On the basis of the general International Law, the CAMLR Convention as well as the Rules of Procedures of the Commission, Scientific Committee and their bodies, every and each member is entitled to participate in the meetings of the Commission, SC, SCIC and SCAF on an equal footing. Although many efforts have been made to ensure the Russian Delegation may attend the meetings by virtual means last week, such arrangements cannot and shall not be regarded as a kind of equal participation. An equal participation is an inalienable right. It shall be safeguarded anywhere and anytime.

Third, the absence of a member due to visa reasons poses a challenge to the decision-making of CCAMLR-42. Pursuant to the CAMLR Convention, decisions on any substantive matters shall be made by consensus. In the first week of CCAMLR-42, one member is unable to be present in person because of the lack of visas. Although much progress has been made in the work of SCIC, SCAF and SC, the fact is the discussions and reports of those bodies did not include any inputs from the member who is willing to but unable to attend the meetings. In such unfortunate and unprecedented situation, it's a pending issue about the status of the reports of SCIC, SCAF and the Scientific Committee. Whether or not such reports have been finally adopted by consensus, China has to reserve its positions on it. In any case, a consensual decision shall be safeguarded by all means and shall be interpreted in good faith.

Equal participation and consensual decision-making process are part of core values of CCAMLR and shall be safeguarded by all parties. The situation that a member is unable to participate in the meetings due to visa reasons shall not happen again.

Based on the aforementioned, China hereby proposes that, "through the discussion of this topic, the Commission reaches an agreement on the point that the CAMLR Convention and the Headquarters Agreement shall be faithfully and fully implemented to ensure the equal right of every member to participate in the meetings". China requests the above agreement be recorded in the meeting report of CCAMLR-42.'

2.11 Brazil welcomed the arrival of the Russian delegation and recognised the efforts of the Commission, its Chair, the Secretariat and Australia to resolve the visa issue. It expressed serious concern with the fact a delegation had not been able to attend the first week of CCAMLR-42 because visas were not issued on a timely manner. It also emphasised that it is the prerogative of each State to choose the members of their own delegation, and that virtual participation is not equal to participation in-person. It encouraged the Secretariat to pursue further conversations with the Australian authorities to ensure compliance with both the Headquarters agreement and the Convention.

2.12 Many Members expressed their regret at the exceptional circumstances in which visas were not issued to the Russian delegation in advance of the meeting. They noted that Members

had worked very hard already to address these concerns, including by offering the Russian delegation the opportunity to participate in the first week of meetings online. Many Members commented that in light of additional assurances from Australia regarding the Headquarters Agreement, no further measures or agenda items were needed. They emphasised that the work and adopted reports of the Scientific Committee, SCIC and SCAF accurately reflected the deliberations of the respective meetings, while encouraging the Secretariat to engage in discussions to avoid such a situation arising again.

2.13 The UK noted that the Commission did not have all the facts regarding the processing and issuance of Russian visas to enter Australia, and that this was appropriate, given the nature of visa processing. The UK agreed that there had been extraordinary circumstances this year but did not consider a specific agenda item on the obligations of the host country was needed as part of the Commission's considerations in future years. The UK further noted that whilst the situation this year was not ideal, the opportunity for virtual attendance to the various Committees had been provided to Russia. Based on this ability for meaningful participation, the Committee reports had been adopted and should be used to guide the Commission's discussions.

2.14 Argentina made the following statement:

‘Argentina regrets the situation generated this year and considers that it is of utmost importance that it does not become a precedent for future meetings. We believe that there is agreement among Members regarding the importance of upholding the Headquarters Agreement, the right of all Members to be represented at meetings on equal terms and to choose their own representatives. In this regard, we consider that it would be important to make sure that the visa issuance situation can be resolved sufficiently in advance, in order to prevent situations like this year's from occurring again, in particular so close to the date of the meeting.’

2.15 Russia stressed that the Commission's rules of procedure do not provide for virtual participation, despite the ad hoc measures taken to facilitate Russia's online attendance, and that the Russian delegation had been able to listen to, but not participate actively in, WG-FSA-2023. Russia stated that such use of hybrid measures did not, in this case, reflect meaningful and effective participation.

2.16 Many Members stated that the Convention and CCAMLR Rules of Procedure support meaningful participation by all Members. They thanked Australia for its efforts to resolve the situation and saw no reason for a new agenda item regarding the Headquarters Agreement. They noted that the Russian delegation had been given the opportunity to participate virtually in the Scientific Committee, SCIC and SCAF and that the respective reports were adopted in full compliance with the Convention and applicable Rules of Procedure.

2.17 Some Members stated the above arrangements cannot and shall not be regarded as equal participation by a Member to participate in CCAMLR meetings, noting the Convention and the Commission's Rules of Procedure.

2.18 Many Members expressed their regret that Russia had no possibility to participate in-person in SC-CAMLR-42, SCIC-2023 and SCAF-2023.

2.19 Many Members stated that decisions would be taken on the basis of the adopted reports and the Commission's further discussions, reflecting the views of all Members, including Russia.

2.20 The Commission reached an agreement on the point that the CAMLR Convention and the Headquarters Agreement shall be implemented to ensure the equal right to representation of every Member.

2.21 The Commission instructed the Executive Secretary to consult with the Australian authorities on the application of the Headquarters Agreement in order to ensure equal right to representation of all Members in accordance with the Convention.

Proposals for new measures

2.22 To facilitate the review of proposals for new measures, the Chair provided delegations an opportunity to introduce the following papers:

- (i) a proposal for the establishment of the Weddell Sea Marine Protected Area Phase 2 by Norway (CCAMLR-42/01 Rev. 2)
- (ii) a draft Code of Conduct for CCAMLR Events, by the delegations of Australia, the Republic of Korea, France and the United States (CCAMLR-42/24 Rev. 1).

Implementation of Convention objectives

Objectives of the Convention

3.1 The Commission considered the proposal by the United Kingdom, Australia, Korea, Norway, and the United States to increase transparency through the circulation of Commission and Scientific Committee Circulars to Observers, unless Members specifically request a circular to be restricted to Members (CCAMLR-42/19).

3.2 Recalling the recommendations of the first and second performance review for CCAMLR to increase its efforts to continue to increase transparency, many Members expressed their support for the proposal. The Commission noted that the proposal would not preclude Members from restricting recipients of circulars to Members as they saw fit to do so.

3.3 Russia expressed its concerns with the proposal, noting that the decision in 2022 to allow Digital Object Identifier (DOI) indices to papers was not yet implemented and the proposal would also need further considering by the appropriate working groups of CCAMLR. China and Russia noted that the Rules of Procedure are clear on Observer engagement at annual meetings, however, do not address confidentiality in respect of information shared with Observers or through Commission Circulars which would need to be addressed if circulars were to be shared with Observers.

3.4 China recognised the merit of the proposal, however noting that the Commission is an international intergovernmental organisation and the composition of observers which attend the

Annual Meetings is diverse. China expressed its concern with the proposal noting that it would not be clear what items would and would not be circulated with Observers, also noting the data rules of access, and proposed that the Secretariat could provide information on the information distributed via both Commission and Scientific Committee Circulars to facilitate the assessment by members in a transparent way.

3.5 Many Members noted that the risks associated with sharing circulars with Observers was minimal and noted the importance of sharing information contained within the circulars with observers to facilitate further engagement in the intersessional periods and more effective contribution to discussions at annual meetings.

3.6 ASOC thanked the proponents and expressed its strong support of the principle of transparency in international organisations and its support for CCAMLR's recent efforts to increase transparency. ASOC encouraged the Commission to adopt this proposal and to make as many circulars as possible available to Observers in the future, as it would be helpful to ASOC in their engagement in CCAMLR.

3.7 COLTO thanked the proponents for the proposal and expressed its support for the concept of increased transparency through the sharing of circulars with CCAMLR's Observer organisations. COLTO recalled the various CCAMLR workshops that COLTO has hosted or co-convened in recent years, noting these had resulted in successful outcomes for CCAMLR. COLTO recalled the CCAMLR Tagging Workshop (WS-TAG-2023) held in 2023, where COLTO, as the co-convenor, was not able to receive any circulars containing information or responses to the Workshop. COLTO noted that the sharing of further information with Observers would allow COLTO, and other organisations, further meaningful engagement with CCAMLR.

3.8 SCAR thanked the proponents for the proposal and noted that it would find the information circulated useful for intersessional engagement and recalled that Observers are permitted to share information to Members through the circulars, as SCAR has done so previously. SCAR noted that the current system does not allow for SCAR to receive circulars, even those in response to information that SCAR circulated to Members. SCAR noted that it understands that not all information can be shared with Observers and expressed its support for the proposal.

3.9 The Chair of the Scientific Committee noted, that whilst concerns regarding data rules of access were expressed by some Members, the Scientific Committee circulars thus far had not contained data and contained matters of an administrative nature.

3.10 The Commission supported the proposal's principles of transparency and cooperation. While many Members supported the proposal, some Members considered that further analysis was needed on the categories of information circulated in Commission Circulars, and the list of Observer contacts and their status in the intersessional period. The Commission encouraged the proponents to continue discussing with interested Members in the intersessional period and requested the Secretariat to develop a distribution list of Observer contact points and their status and to also undertake an analysis of the information distributed via Commission Circulars to be reported to CCAMLR-43.

3.11 Sweden noted that the international community is closely following CCAMLR's work on conservation and sustainable use of biodiversity in areas beyond national jurisdiction. In

regard to the recently agreed Kunming-Montreal Global Biodiversity Framework and the BBNJ-agreement, Sweden noted that CCAMLR could play an important leading role and achieve its objective at the same time. By progressing on its commitment to establish a representative system of MPAs and continue using an ecosystem-based approach and a precautionary approach, Sweden noted that CCAMLR could make a significant contribution to the conservation of marine living resources as well as contributing to the global efforts to address the interlinked biodiversity and climate change crisis. Sweden reconfirmed its commitment to the objective of the Convention and emphasised the strong need to find constructive ways forward and increase cooperation between Members to achieve the objectives of the Convention, demonstrating that the Convention is still fit for purpose.

Second performance review

3.12 The Commission noted the report by the Executive Secretary on the progress of the recommendation of the Second Performance Review (PR2) as provided in CCAMLR-42/06.

3.13 The Commission noted that significant progress has been made across the recommendations of PR2 and many Members noted that although significant progress has been made, more progress is still needed. The Commission also agreed that the Secretariat should continue to track this progress and keep Members informed of the progress with the summary table of progress made available on the CCAMLR website.

3.14 Many members thanked the Secretariat and considered that good progress has been made on the implementation of recommendations from the second performance review, and that efforts need to continue. They recalled that whilst Recommendations 1 and 7 were identified as having ‘significant progress’, further progress was needed towards a representative system of MPAs. Progress on transparency (Recommendation 22) also needed to continue. They noted that the forthcoming informal workshop on transshipment (CCAMLR-42/BG/21) was relevant to Recommendation 12, addressing the improvement of transshipment management. They also suggested that the Workshop on Climate Change was a forum that should be included under Recommendation 25. They encouraged Members to consider the next iteration of the performance review (SCIC-2023, paragraph 179), which should occur no sooner than two years from now.

3.15 China highlighted that the nature of the review is characterised as a third-party assessment, and as a result can act as a reference for the work of CCAMLR, but not form an adopted work agenda. In respect of planning for a third performance review, China recalled the first performance review assessed the status and trends of marine living resources against the conservation objective and principles of Article II of the Convention. China noted that the second performance review had not made this assessment and suggested that it be included in future performance reviews.

3.16 ASOC thanked the Secretariat for the summary and monitoring of progress against the second performance review recommendations. ASOC reiterated the views of some Members, that although there has been work on key issues such as spatial management, transshipment, climate change, and transparency, more needs to be done. ASOC recalled that in the case of

spatial management, the Commission committed to the creation of a representative system of MPAs, however, there is no such system in place, and there is a significant amount of work still to be done to achieve it.

3.17 The Commission approved posting of the document revised to take into account the comments above (CCAMLR-42/06 Rev. 1).

Management of marine resources

Advice from the Scientific Committee

4.1 The Chair of the Scientific Committee presented the report of the Scientific Committee (CCAMLR-42/25) and recalled the many working group meetings and workshops held during the intersessional period and thanked the participants for the significant progress made.

4.2 Russia reiterated that its right to be represented at the Scientific Committee set forth in Article VII of the Convention was violated by the non-issue of visas of the Russian delegation, including by refusal for a visa for the representative of the Russian Federation in the Scientific Committee. According to Russia, such violation resulted in absence of consensus on issues of substance within the Scientific Committee, as indicated in Circular letters COMM CIRC 23/111 SC CIRC 23/99, dated 14 October 2023, and SC CIRC 23/100, dated 18 October 2023 respectively. Russia stressed that such letters provided its position that should have been taken into account in accordance with Rule 3 of the Rules of Procedure of the Scientific Committee.

4.3 The Scientific Committee Chair noted that the Scientific Committee report was adopted in accordance with the Scientific Committee Rules of Procedure.

4.4 The Commission noted the significant threats of climate change to Antarctic marine ecosystems, including the record low sea ice extent observed this year especially given the importance sea ice plays as a critical habitat for krill. The Commission endorsed the approach taken by the Scientific Committee to incorporate climate change into its workplan and into the terms of reference of its working groups in their development of advice (SC-CAMLR-42, paragraph 2.3).

4.5 The Commission noted that management responses to the effects of climate change on Antarctic Marine Living Resources (AMLR) need to be precautionary given that past environmental and ecological conditions may not endure in the future, which could lead to an increase in uncertainty associated with future predictions of the status of marine resources.

4.6 The Commission noted the threats associated with High Pathogenicity Avian Influenza (HPAI) (SC-CAMLR-42, paragraph 2.4), and that a risk assessment and guidance on enhanced biosecurity measures, monitoring, and responding to HPAI has been developed by the SCAR Antarctic Wildlife Health Network (AWHN) in collaboration with the Council of Managers of National Antarctic Programs (COMNAP), the Committee for Environmental Protection (CEP), the International Association of Antarctica Tour Operators (IAATO) and the wider Antarctic community. It noted the importance of sharing information in order to monitor outbreaks and encouraged reporting of any suspected or confirmed cases of HPAI in particular through a central reporting database set up by the SCAR AWHN (SC-CAMLR-42, paragraph 8.13 and SC-CAMLR-42/BG/30).

4.7 Oceanites reported that instances of HPAI are now made publicly visible on the MAPPPD database, available at <https://www.penguinmap.com/mapppd/>. Oceanites, in collaboration with the SCAR AWHN, will update the MAPPPD database as and when instances of HPAI are confirmed.

4.8 The UK notified the Commission, with regret, that HPAI had been detected and confirmed within the Convention Area. The British Antarctic Survey at Bird Island had taken samples from dead brown skuas. Testing in the UK confirmed the presence of HPAI. The UK confirmed that precautionary measures including HPAI response protocols have been enacted and that the situation will continue to be closely monitored. The World Organisation for Animal Health (WOAH) had been notified of the outbreak.

4.9 The Commission expressed concern about the potential impacts of HPAI and considered that higher biosecurity measures should be implemented to reduce risk during any interactions with birds and pinnipeds. The Commission encouraged Members whose vessels fish in the Convention Area to ensure that sufficient protocols are in place on board vessels, particularly if bird strikes occur, to mitigate the spread of this disease to Antarctic wildlife populations.

4.10 The Commission requested the Secretariat to confer with wildlife health specialists to identify appropriate risk management mechanisms in relation to HPAI and provide this information to Members and Scientific Observers.

4.11 The Commission agreed to establish an informal e-group to facilitate the sharing of information related to HPAI between Members and Observers.

4.12 The Commission noted the Scientific Committee had identified safety issues caused by the activities of the Sea Shepherd vessel *Allankay* in 2023. The Commission noted that the risks may not relate solely to fishing vessels, but also to other vessels.

4.13 The Commission noted SC-CAMLR-42, paragraphs 2.137 and 2.138, which proposed changes to the tagging overlap statistic reporting, as well as changes to CM 41-01 Annex C paragraphs 2(i) and 2(v) to refer to the ‘best practice tagging protocol’ document. The Commission could not reach consensus on the proposal.

Best available science

4.14 CCAMLR-42/18 presented by Russia discussed the necessity to establish clear and transparent requirements for the term ‘best available scientific evidence’ used under Article IX.1(f) of the CAMLR Convention. The paper considered that there is an urgent need to clarify the scientific and legal aspects of the term ‘best available scientific evidence’ particularly for issues related to spatial and marine resource management in the CCAMLR area, and further presents the view that Russia does not consider it acceptable to use publications that are not CCAMLR documents as ‘best available scientific evidence’ to develop CCAMLR advice. In addition, Russia considered that repeated discussions on spatial management in the CCAMLR Convention Area have demonstrated the urgent need for clear and transparent requirements for the ‘best available scientific evidence’ in the establishment of an MPA, as the absence of such conditions allows the establishment of an MPA without the necessary scientific justification, diverting the existence of the MPA and its Research and Monitoring Plan to the collection of data required to precede the establishment of an MPA.

4.15 Russia described CCAMLR-42/18 and stated that it provided the following proposals:

- ‘- Develop clear and transparent requirements to define the term "best available scientific evidence", considering the quantitative and qualitative characteristics of the data (collection and processing methodology, fragmentation).
- Develop a process for verifying and validating data by the relevant CCAMLR working groups concerning whether the evidence meets the requirements of the "best available scientific evidence", which should be sufficient for a scientifically sound solution to a specific problem or objective. Particular attention should be paid to validating new models, following the recommended process when considering new methods (SC-CAMLR-XXVI, Annex 7, paragraphs 6.3, 8.19). The Scientific Committee must approve this process of verification and validation of scientific data.
- Models and data from publications that are not CCAMLR document should be submitted to the relevant CCAMLR working groups and undergo a process of verification and validation to ensure that they meet the requirements for the "best available scientific evidence”.’

4.16 Many Members stated that the proposal by Russia was very concerning, noted that the norms and practices of the Scientific Committee and its working groups already ensure that scientific information is reviewed and evaluated, and that this approach has been consistently applied throughout the 42-year history of CCAMLR. These Members noted that CCAMLR’s record illustrates the competence of its scientific bodies to provide advice on the basis of best scientific evidence available including for setting catch limits and designating MPAs. Many members further recalled that the Commission had established a definition of best available science in 2009 in Resolution 31/XXVIII and noted that the paper had not referenced or recognised this Resolution.

4.17 Most Members rejected the premise that CCAMLR MPAs must be based on ‘the best available data sufficient to scientifically justify’ their establishment as the Convention does not link the concept of sufficiency to science-based decision making. These Members further noted that the precautionary approach requires action to conserve Antarctic marine living resources even when scientific information is uncertain.

4.18 China noted that it considered the issue of best available scientific evidence to be very important and requested the Commission undertake intersessional work to facilitate a common understanding of this term. China further noted that it supported the provision of scientific advice to the Commission via the Scientific Committee including through the consideration of peer reviewed science, that adequate scientific evidence should always be sought for decision making, and that if scientific evidence is lacking then the precautionary approach should apply.

4.19 Most Members noted that peer review is the internationally accepted standard for evaluating science and promoting scientific integrity and as such, data and results presented in peer-reviewed publications should be evaluated and integrated into the CCAMLR decision-making process. Most Members noted the benefits of considering all available science, including work from outside the CCAMLR community, and the work done by SCAR and its expert groups to review available science and bring it to the attention of the Scientific Committee.

4.20 ASOC supported interventions from most Members in asserting that best available science is already well understood and implemented appropriately in CCAMLR. ASOC also supported the inclusion of peer-reviewed science in the considerations of CCAMLR, SC-CAMLR and its working groups. ASOC noted that it would be very limiting to exclude peer-reviewed science relevant to the work of CCAMLR and SC-CAMLR and that such a limitation would prevent CCAMLR from achieving its objectives.

4.21 SCAR noted that it, along with other Observers and Members, has a long history of providing scientific evidence for consideration by CCAMLR that is founded in peer-reviewed science, and joined other Members in highlighting the value of scientific contributions from outside as well as inside CCAMLR. SCAR considered that Members should be assured that peer-reviewed scientific publications which are not CCAMLR documents provide a thoroughly sound basis for use by CCAMLR and noted that CCAMLR has been using scientific evidence from a range of sources wisely and effectively for more than 40 years.

Krill

4.22 CCAMLR-42/17 presented a review of catch statistics of Antarctic krill by conventional and continuous fishing systems in Area 48, noting that the latter fishing method has contributed the majority of the observed increase in overall catches in recent years. The authors proposed limiting catches for vessels operating with the continuous fishing system to 70% of the total allowable catch in Area 48, on the basis of outcompeting economic efficiency, displacing traditional fishers and humanitarian access to food sources by Members. The authors also highlighted that the proposed measures should be considered as a temporary requirement which could be revised as new data on the impact of different krill fishery technologies emerge.

4.23 The Commission noted that access to krill resources is defined by catch limits and not by fishing technologies, and further noted that no scientific rationale had been provided to justify the limitation for a particular fishing method. The Commission further noted the advice provided by the Scientific Committee on the issue (SC-CAMLR-42, paragraphs 2.5 and 2.6).

4.24 Ukraine expressed its regret that the decision on krill fishery regulation by establishing catch limitation for different fishing gear types has not been supported by the Commission. Ukraine considered that it would be a very rational and timely decision, supporting the economic sustainability of CCAMLR Members, whilst stressing that the decision should be technical, will not affect any change in krill catch limits and the availability of the Antarctic krill resource for each CCAMLR Member, as well as in the carbon emission problems. Ukraine considered that minimising risk by diversification and food security are valuable issues that are underestimated. Ukraine expressed its thanks to CCAMLR Members for their support concerning the advisability of a more in-depth study of this issue, noted their intent to continue to discuss the issue at future meetings and invited other Members to join this discussion.

4.25 ARK extended an invitation to Ukraine to join their organisation to further progress these discussions.

Revision of Conservation Measure 51-07

4.26 CCAMLR 42/42 Rev. 1, presented by the USA on the behalf of the co-sponsors Australia and New Zealand, detailed a proposed amendment to CM 51-07 to include a requirement to collect acoustic data from vessels participating in the krill fishery in Subarea 48.1 at the temporal and spatial scale endorsed by the Scientific Committee for managing the fishery. The USA noted that it was disappointed that the measure would not be adopted at CCAMLR-42, however it welcomed the work that had been undertaken by the Scientific Committee to refine the proposal and looked forward to presenting a revised proposal once acoustic data survey methods had been reviewed at WG-ASAM-2024 and WG-EMM-2024.

4.27 Russia noted that it did not consider it necessary to include details of acoustic surveys in the revised Conservation Measure, noting that the methodology of acoustic surveys required further consideration by working groups and the Scientific Committee and expressed a preference that these be considered in a separate methodology document or as guidelines approved by the Scientific Committee. A link to such a document can be indicated in both CM 51-07 and CM 51-04. Russia further noted the need to consider the possibility of conducting similar surveys throughout Area 48, and not just in Subarea 48.1, when a revision of CM 51-07 is being considered.

4.28 China thanked the proponents for the proposal and for leading discussions and revisions during SC-CAMLR-42. China noted that when considering a revision to CM 51-07, the revision should also consider commensurate changes to catch limits such as suggested in Table 2 of SC-CAMLR-41, which are based on the use of best available science (SC-CAMLR-41, paragraph 3.46).

4.29 Norway noted that the proposed modifications to CM 51-07 detailed in CCAMLR 42/42 Rev. 1 represent a good starting point for a truly adaptive system, and one that Norway envisaged with its original proposal to WG-EMM in 2019. The development of the revised fishery management strategy represents an interim step between the currently outdated manner by which the fishery is managed and a fully adapted system that will be much more capable of responding to ecosystem change. This strategy's quota levels have been based on the best available science (SC-CAMLR-41, paragraph 3.46) and can be implemented now. Norway noted that, under this new approach, it will also be necessary to change CM 51-01 to reflect dynamic catch limits to enable the Commission to achieve its objectives. Finally, as a fishing nation heavily invested in the provision of high-quality ecosystem information to CCAMLR, Norway indicated its interest in co-sponsoring the further development of this proposed modification as it has the potential to maintain CCAMLR at the forefront of sustainable fisheries management globally.

4.30 ARK noted that with regard to the recommendations outlined in paper CCAMLR-42/42 Rev. 1, ARK members have diligently conducted 9 krill surveys in Subarea 48.1 and 13 in 48.2, which this year also included the Gerlache Strait, an area previously identified as data-poor. ARK considered that in reviewing CM 51-07, the Commission could consider a staged approach for implementing the advice from WG-FSA-2022 for Subarea 48.1. It emphasised that such an approach is a viable option to advance krill fishery management and creates incentives for expanding krill survey efforts.

4.31 The Commission endorsed a rollover of CM 51-07 for 2023/24.

4.32 Recalling that CM 51-07 has been rolled over for three consecutive years, China noted that whilst it supported its rollover for another year, it cited a well-known Chinese proverb that doing the same thing more than three times in a row is regarded as a failure. China therefore considers it an urgent and high priority for the Scientific Committee and the Commission to find a strategy to achieve the revision and implementation of CM 51-07 in 2024. China is committed to engage actively in working with Members on the harmonisation of the various initiatives in Subarea 48.1 and looks forward to fruitful outcomes from the harmonisation symposium.

4.33 The Commission agreed that the development of a revision of CM 51-07 was necessary to ensure that the temporal and spatial management of krill resources was based on the best available science and requested that the Scientific Committee task its working groups as a high priority to finalise the acoustic survey methodology (SC-CAMLR-42, Annexes 4 and 5) in 2024.

4.34 The Commission noted the harmonisation symposium as an appropriate forum to engage in the development of a revision of CM 51-07 for 2024.

Harmonisation in Subarea 48.1

4.35 The Commission noted the discussions on a proposed symposium on the harmonisation of spatial management and the revised krill fishery management in Subarea 48.1 by the Scientific Committee (SC-CAMLR-42, paragraphs 2.85 to 2.90), including the request that the symposium be co-convened by one Commission delegate and one Scientific Committee representative, and that the symposium steering committee should include members of the Scientific Committee and Commission.

4.36 The Commission endorsed the proposal of the Scientific Committee regarding the harmonisation symposium, including the terms of reference and steering committee members identified (SC-CAMLR-42, Annex 14), and appointed the co-conveners of the Symposium as Ms Jung-re Riley Kim (Korea) and Dr G. Watters (USA).

4.37 The Commission welcomed the undertaking by ASOC and ARK to assist with funding the Symposium and encouraged SKEG to continue their work to progress a krill stock hypothesis and present these results to the Symposium.

Precautionary Catch limits in Divisions 58.4.1 and 58.4.2

4.38 The Commission noted the discussions by the Scientific Committee on the revision of krill biomass estimates in Divisions 58.4.1 and 58.4.2, and the proposed changes to precautionary catch limits in these Divisions (SC-CAMLR-42, paragraphs 2.91 to 2.101).

4.39 Russia thanked Australia and Japan for their efforts to provide data and analyses from acoustic surveys. Russia considered that a change in catch limits for Divisions 58.4.1 and 58.4.2 was premature, as the changes were based on single surveys conducted by Australia and Japan, and further considered that this approach could not be considered precautionary as there is a lack of repeated survey and monitoring data as well as data from scientific observations in the

absence of krill fishing since 1993 in these Divisions, unlike in Subarea 48.1. Russia further noted that they had questioned methodological aspects of these surveys previously and considered that both the results from the surveys and the methodology required further consideration by the Scientific Committee and its working groups. Russia considered that there is no urgent need to change catch limits in Divisions 58.4.1 and 58.4.2 and further considered that this may provide an opportunity to develop science-based krill management schemes.

4.40 Australia expressed its disappointment that the Commission was unable to agree on updated catch limits for krill in Divisions 58.4.1 and 58.4.2 despite the Scientific Committee recommending their adoption. Australia noted the significant resources over a number of years that were devoted to preparation and conducting the krill surveys, as well as subsequent analyses, and that the krill biomass estimates has been presented to WG-ASAM-2021, SC-CAMLR-2021 and WG-ASAM-2023 this year, and all agreed that these estimates should be considered the best available estimates of krill biomass in these areas. Australia noted that views have been expressed that the proposed catch limits, based on single surveys, are insufficient to provide updated catch limits and recalled that the existing catch limits in East Antarctica are based on single surveys undertaken in 1996 for Division 58.4.1 and in 2006 for Division 58.4.2 East. Australia further recalled that Article IX outlines that the Commission shall formulate, adopt and revise conservation measures on the basis of the best scientific evidence available. The Scientific Committee has provided a clear recommendation that these catch limits are based on the best available science (SC-CAMLR-42, paragraph 2.98) and the Commission should update CM 51-02 and CM 51-03 accordingly.

4.41 Japan expressed its gratitude for consultations between Members with regard to the proposed catch limits in Divisions 58.4.1 and 58.4.2 and considered it regrettable that they were not endorsed by the Commission. Japan drew attention to paragraph 4 of CMs 51-02 and 51-03, that these measures ‘shall be kept under review by the Commission, taking into account the advice of the Scientific Committee’. Japan encouraged Members who raised issues about the methodology of the surveys or the analyses of the data to provide specific questions so that both Japan and Australia can address these during the meetings of the Scientific Committee and its working groups.

4.42 Many Members expressed their support for the proposed catch limits for Divisions 58.4.1 and 58.4.2 and considered it a worrying example of the Commission not acting on the basis of the best available science, when the research catch limits were agreed by all Members who attended the Scientific Committee. These Members also considered this as an unfortunate message to send to scientists and science funders about the value and impact of investing in research surveys if scientific results are subsequently ignored by one Member.

4.43 The Commission did not reach consensus on updating the precautionary catch limits for Divisions 58.4.1 and 58.4.2.

Fish resources

4.44 The Commission considered the Scientific Committee discussions of the 2023 independent review of CCAMLR integrated toothfish assessments in Subareas 48.3 and 48.4,

Division 58.5.2 and the Ross Sea (SC-CAMLR-42, paragraphs 2.102 to 2.107), including the conclusions of the review panel and the incorporation of the panel's recommendations into the Scientific Committee workplan.

4.45 The Commission thanked the Scientific Committee Chair, the Members involved, the reviewers, and the Secretariat for this extensive work. It noted that the panel provided an independent and scientific evaluation of the approaches and methods used to assess the status of the stocks, which the panel considered as using the best available science and representing global best practice in stock assessment.

4.46 Many Members welcomed the panel's conclusions and highlighted the useful guidance it provided for future work, including on the consideration of climate change effects in future stock assessments. They noted that the reviewed assessments constituted best available science, followed a scientifically rigorous process, and provided sound advice towards achieving the objective of the Convention.

4.47 Russia noted that their position regarding the *D. eleginoides* fishery in Subarea 48.3 was not duly reflected in the panel considerations, that further intersessional work was required, and that Russia rejected the panel conclusions regarding the assessment for Subarea 48.3.

4.48 Many members noted that the independent review panel was convened in part to address the concerns raised by Russia with regard to the assessment for Subarea 48.3 (SC-CAMLR-41, paragraph 3.108). Many members noted that all Members were invited to join the review (COMM CIRC 23/65–SC CIRC 23/71), that the Russian papers in respect of Subarea 48.3 were considered and that Russia chose not to participate. Many Members noted that the Review Panel found no basis for the claimed trends in biological parameters (SC-CAMLR-42, paragraph 2.104), and that the integrated assessment provided the best available science for CCAMLR to provide catch advice in Subarea 48.3 and was consistent with the CCAMLR decision rules.

4.49 Russia questioned whether the application of the decision rules to the toothfish stock in Subarea 48.3 was consistent with rational use of the resource, emphasising that the independent review panel had not provided an answer to this issue. Russia agreed that the *D. eleginoides* assessment in Subarea 48.3 represented the best available science but maintained its position that the data used in the assessment are neither the best nor sufficient science for CCAMLR to make decisions regarding the status and catch limits for this stock. Russia stated that there are still unresolved issues regarding the recruitment status and the lack of biological data based on the entire stock distribution in that Subarea, recalling that this uncertainty of the data in Subarea 48.3 was also indicated in the 2018 independent review. Russia maintained its position on the need to conduct a joint international survey of toothfish in Subarea 48.3 and this survey would cover the entire population habitats of *D. eleginoides* in Subarea 48.3 to provide data for the toothfish assessment.

4.50 Russia made the following statement:

'The Russian Federation considers it of utmost importance that the management of Antarctic marine living resources to be in accordance with Article II of the Convention based on a balance between conservation and rational use. The Russian Federation has presented a number of documents at CCAMLR meetings reflecting its position on the management of toothfish resources in Subarea 48.3.

The Russian Federation has repeatedly indicated that since 2002-2004, the longline fishery for toothfish in Subarea 48.3 is based on recruiting fish, and the population of Patagonian toothfish in Subarea 48.3 needs to be protected through the imposition of catch limits and changes to conservation measures. The precautionary approach to the use of stocks in the CCAMLR Area, as it is currently applied, does not ensure the rational use of toothfish resources, as demonstrated by the scientific and fishery evidence.

Specific proposals from the Russian Federation regarding the regulation of toothfish fishery in Subarea 48.3 (limiting the size of Patagonian toothfish in catches, fishing only at depths of 1000 m, reducing the TAC to 500 t, according to the fishing grounds with depths from 1000 to 2250 m; conducting an international survey to assess toothfish stock) (SC-XXXVII/14 Rev. 2) were ignored. The Russian Federation deeply regrets that these proposals aimed at preserving toothfish stocks in Subarea 48.3 did not find support from a number of CCAMLR Members.

The Russian Federation also regretted that the 2023 Independent Review Panel did not consider the extent to which available data and decision-making rules support the ration use of the toothfish stock in Subarea 48.3, despite the existing disagreements regarding this issue. The Russian Federation recalled that it was not the initiator of the 2023 Independent Review Panel but proposed an international survey of toothfish in Subarea 48.3.

The Russian Federation, as a forced but necessary measure, does not support the proposal to establish a catch limit for toothfish in Subarea 48.3 for 2023/24. The Russian Federation maintains its position on the need to review the use of the Patagonian toothfish stock in the CCAMLR area (Subarea 48.3), as the existing approach does not ensure the rational use of this living resource.’

4.51 In expressing disappointment at the ongoing blocking by Russia of a catch limit for toothfish in Subarea 48.3, some Members noted that the independent CIE review took full account of all the issues raised by Russia in papers submitted to WG-FSA and the Scientific Committee over the past few years, and reached the conclusion that the current stock assessment for 48.3 toothfish is consistent with global best practice and constituted the best available science for CCAMLR to estimate status and catch limits in this fishery.

4.52 The UK made the following statement:

‘Russia had every opportunity to participate in the independent review, and indeed all Members were invited to do so in COMM CIRC 23/65–SC CIRC 23/71, but they chose not to engage.

Despite requests from the Scientific Committee, Russia provided no new information to WG-FSA or the Scientific Committee in 2023. There was no requirement to be present in the meeting to do so.

The UK submitted detailed papers to WG-FSA-2023 on the toothfish fishery (WG-FSA-2023/31 and 56) and stock assessment (WG-FSA-2023/16) and Russia has had more than adequate time to review and scientifically evaluate these papers but has clearly chosen not to do so.

Russia has also had adequate time to review the report of WG-FSA-2023.

Russia's call for an "international survey" is not supported by any scientific justification. The UK has conducted 23 trawl surveys since 1987 to investigate abundance of juvenile toothfish which has created a long term consistent timeseries and has detailed catch information for over 30 years.

The fishery in 48.3 is one of the most data rich fisheries in the Convention Area, as described in the Scientific Committee's report 2022 (paragraph 3.105).

This is not an issue on which "consensus could not be reached", in the sense that the Commission has long used that term, implying disagreement only after constructive, positive, engagement. It is an issue that Russia is blocking – now for the third consecutive year. It must now be clear to all Members of this Commission that the Russian objections to agreeing a toothfish catch limit and Conservation Measure in Subarea 48.3 are unscientific, irrational and politically motivated.'

4.53 Argentina made the following statement:

'Argentina deeply regrets that the Commission has not been able to adopt a conservation measure that would have allowed the operation of the toothfish fishery in Subarea 48.3 during the 2023/2024 season, as required by CM 31-01 for each fishing season.

We recall that in the absence of a conservation measure, the *Dissostichus eleginoides* fishery shall be closed in this Subarea. In this regard, we encourage all Members of the Commission to act responsibly and in a spirit of Antarctic cooperation to facilitate the proper functioning of CCAMLR.'

4.54 Russia noted that their position and scientific arguments had been made clear and rejected accusations of political motivations. They further noted that the unilateral establishment of a catch limit would result in IUU fishing. Russia noted that the management of Antarctic Marine Living Resources should keep a balance between conservation and rational use, and that the current toothfish fishery in Subarea 48.3 was affecting the recruits of the population. Russia noted that the fishery was not following the principle of rational use and recalled its proposal to limit the size of fish kept and the depth of fishing operations, which was rejected (CCAMLR-41, paragraph 4.30). Regarding the 2023 CIE review, Russia noted that the data used by the assessment was not sufficient to ensure rational use and that uncertainty remained regarding recruitment and population indices, as pointed out by the 2018 independent review. Russia also noted the issues of spatial uncertainty discussed by the Scientific Committee which further confirmed Russia did not support the establishment of a catch limit for that fishery.

4.55 Many Members noted that these comments were a repeat of the previously stated position which has been thoroughly considered by the Scientific Commission and the CIE independent review panel and were not supported (SC-CAMLR-42, paragraph 2.104).

4.56 China noted that vessels participating in a fishery without an agreed catch limit would be conducting IUU fishing.

4.57 Many Members noted that the toothfish fishery in Subarea 48.3 was one of the most data rich fisheries in the Convention Area and that the surveys underpinning its assessment

were fit for purpose. They noted that there was no scientific basis to not accept the results of the stock assessment for this fishery. They recalled that the Scientific Committee (SC-CAMLR-42, paragraph 2.105) recommended that the Commission note the conclusion of the independent review panel, that the reviewed 2021 assessment for *D. eleginoides* in Subarea 48.3 was consistent with global best practice and constituted the best available science for CCAMLR to estimate status and catch limits in this fishery. They expressed concern over the situation and its implication for CCAMLR's decision-making process.

4.58 Some Members also stated that the Convention does not require the balancing of conservation and rational use in the management of Antarctic marine living resources. The Convention only allows for rational use where it does not impede conservation.

4.59 COLTO made the following statement:

‘COLTO is disappointed with the continued politicised outcomes regarding the toothfish fishery in 48.3, noting that the independent stock assessment review regarded this fishery as being managed with best available science, but is again being blocked by one CCAMLR member. This is a very concerning trend for CCAMLR and the toothfish fishing industry.’

4.60 The UK recalled its previous statements regarding the status of the fishery.

4.61 The Commission noted the Scientific Committee discussions regarding the inclusion of the panel recommendations into the stock assessments workplan, the use of the Casal2 software and the development of assessment diagnostics and collaborative tools to continue to improve CCAMLR stock assessments in the future (SC-CAMLR-42, paragraphs 2.108 to 2.116).

4.62 The Commission noted the short-term workplan established by the Scientific Committee to address issues related to potential biases in stock estimates from the effects of spatial patterns in fishing effort (specifically those identified from the tagging retrospective analyses), to investigate methods for estimating recruitment used in projections, and to investigate the performance of the CCAMLR decision rules (SC-CAMLR-42, paragraphs 2.117 to 2.127).

4.63 The Commission endorsed the workplan, in particular regarding analyses pertaining to potential spatial biases, recruitment hypotheses and decision rules.

4.64 The Commission noted the Scientific Committee discussion on age determination (SC-CAMLR-42, paragraphs 2.129 to 2.135) and welcomed the proposed second Workshop on Age Determination Methods as these are essential to the Scientific Committee workplan and to population dynamics understanding. It thanked COLTO for contributing a supplementary A\$5 000 of funding towards that workshop.

4.65 The Commission noted the Scientific Committee discussion on the toothfish and skate tagging programme (SC-CAMLR-42, paragraphs 2.136 to 2.141), and thanked the co-conveners and COLTO for the successful Tagging Workshop (SC-CAMLR-42/03), recalling the importance of tagging data for stock assessments.

4.66 The Commission did not reach agreement on the Scientific Committee recommendations to update the tagging protocols in CM 41-01 (SC-CAMLR-42, paragraphs 2.137 and 2.138).

4.67 The Commission noted the Scientific Committee discussion on Catch and Effort reporting and the retirement of CM 23-05 (SC-CAMLR-42, paragraphs 2.142 and 2.144), and endorsed its recommendations as they represented useful simplifications.

4.68 The Commission noted the Scientific Committee discussion on paper CCAMLR-42/21 which presented a proposal to add a new Annex to CM 21-02 for finfish research proposals for exploratory fisheries and recalled the Scientific Committee recommendation to adopt the proposal (SC-CAMLR-42, paragraphs 2.145 to 2.146). It also noted paper CCAMLR-42/27 which contributed to this discussion.

4.69 However, the Commission did not reach consensus on this issue, and Russia recalled its position on this issue from the previous year (CCAMLR-41, paragraphs 4.48 and 4.49).

4.70 The Commission noted the Scientific Committee consideration of the trend analysis for data-limited toothfish fisheries, and of the work conducted towards Management Strategy Evaluations (SC-CAMLR-42, paragraphs 2.147 and 2.148).

4.71 The Commission noted the Scientific Committee consideration of changes in stock assessment parameters or processes that could be due to the effects of environmental variability or climate change, as exemplified by the information available for the Antarctic toothfish stock assessment for the Ross Sea region (SC-CAMLR-42, paragraph 2.149; WG-FSA-2023, Table 5). It noted that similar efforts will be conducted for stock assessments for other fisheries in the future.

4.72 The Commission referred Conservation Measures with simple technical updates to the Conservation Measure Drafting Group for preparation.

Statistical Area 48

4.73 The Commission considered the Scientific Committee discussion on fish stocks in Area 48 (SC-CAMLR-42, paragraphs 2.150 to 2.173).

4.74 The Commission endorsed the advice of the Scientific Committee that the catch limit for *C. gunnari* in Subarea 48.3 be set at 5 138 tonnes for the 2023/24 season and 3 579 tonnes for the 2024/25 season based on an updated stock assessment (SC-CAMLR-42, paragraph 2.167).

4.75 The Commission did not reach consensus on the advice from the Scientific Committee regarding the *D. eleginoides* fishery in Subarea 48.3 (SC-CAMLR-42, paragraphs 2.168 and 2.169, see also paragraphs 4.46 to 4.56).

4.76 Many Members supported the recommendation by SC-CAMLR-42 (paragraph 2.168) for a catch limit of 2 000 tonnes for 2023/24 and that it would be consistent with the precautionary yield estimated using the CCAMLR decision rules, the process for setting catch limits in previous years, and the use of best available science.

4.77 Many Members noted that the Commission had just endorsed advice on a short-lived species (*C. gunnari* in Subarea 48.3, see above) but could not reach consensus on toothfish in

the same Subarea, which raised an issue of selective use of scientific advice and questioned the lack of scientific rationale for the disagreement.

4.78 The Commission endorsed the advice of the Scientific Committee that the catch limit for *D. eleginoides* in Subarea 48.4 be set at 19 tonnes for the 2023/24 and 2024/25 seasons based on an updated stock assessment (SC-CAMLR-42, paragraph 2.170).

4.79 The Commission endorsed the advice of the Scientific Committee that the catch limit for *Dissostichus mawsoni* in Subarea 48.4 be set at 43 tonnes for the 2023/24 season based on an updated estimate of local biomass and precautionary harvest rate (SC-CAMLR-42, paragraph 2.171).

4.80 The Commission endorsed the advice of the Scientific Committee on continuing the research fishing in Subarea 48.6 according to the research proposal in WG-SAM-2023/01 Rev. 1, and that the catch limits be set at 148 tonnes in research block 486_2, 42 tonnes in research block 486_3, 126 tonnes in research block 486_4, and 202 tonnes in research block 486_5 (SC-CAMLR-42, paragraphs 2.172 and 2.173).

Statistical Area 58

4.81 The Commission endorsed the advice of the Scientific Committee that the catch limit for *C. gunnari* in Division 58.5.2 be set at 714 tonnes for 2023/24 and 599 tonnes for 2024/25 seasons (SC-CAMLR-42, paragraph 2.176).

4.82 The Commission endorsed the advice of the Scientific Committee on the fishery for *D. eleginoides* in Division 58.5.2 (SC-CAMLR-42, paragraphs 2.181 to 2.184), including that the catch limit be set at 2 660 tonnes for the 2023/24 season and that the prohibition of directed fishing outside areas of national jurisdiction for *D. eleginoides*, described in CM 32-02, remain in force in 2023/24.

4.83 The Commission endorsed the advice of the Scientific Committee that no new information was available on the state of fish stocks in Division 58.5.1 outside areas of national jurisdiction and that the prohibition of directed fishing for *D. eleginoides*, described in CM 32-02, remain in force in 2023/24 (SC-CAMLR-42, paragraph 2.187).

4.84 The Commission endorsed the advice of the Scientific Committee that no new information was available on the state of fish stocks in Subarea 58.6 outside areas of national jurisdiction and that the prohibition of directed fishing for *D. eleginoides*, described in CM 32-02, remain in force in 2023/24 (SC-CAMLR-42, paragraph 2.190).

4.85 The Commission considered the advice of the Scientific Committee on the exploratory fishery for *D. mawsoni* in Division 58.4.1 and 58.4.2 (SC-CAMLR-42, paragraphs 2.193 and 2.194).

4.86 The Commission endorsed the advice of the Scientific Committee that the catch limits for *D. mawsoni* in Division 58.4.2 be based on the trend analysis as shown in Table 4 of SC-CAMLR-42 (SC-CAMLR-42, paragraph 2.194).

4.87 Russia noted that the *D. mawsoni* fishery in Division 58.4.1 had not operated in many years and as such should be considered as a new fishery.

4.88 Many Members expressed disappointment regarding the repeated blockage of this fishery by Russia and noted that they disagreed with the assertion that the *D. mawsoni* fishery in Division 58.4.1 should be considered a new fishery. They noted that data collection from that fishery was needed to develop a stock assessment and provide support to ecosystem monitoring in this area. They also noted that the disagreement was not supported by scientific rationale, and that CCAMLR often required the use of fishing vessels to collect data and achieve its objective.

Statistical Area 88

4.89 In relation to the research plan in Subarea 88.3, the Commission noted the Scientific Committee discussion on CCAMLR-42/34 which presented a proposal to clarify CM 41-01 Annex B paragraph 2 to accommodate research plans (SC-CAMLR-42, paragraphs 2.195 and 2.196).

4.90 The Commission could not reach consensus on this proposal.

4.91 The Commission noted the Scientific Committee discussion on 2023 Ross Sea shelf survey (RSSS) catch limit as agreed in SC-CAMLR-41 (paragraph 3.138), and its allocation consistent with CM 91-05 (SC-CAMLR-42, paragraphs 2.197, 2.198, 2.206 and 2.207).

4.92 New Zealand indicated a strong preference to follow the Scientific Committee advice which is consistent with CM 91-05 (Method 1 in table 5 of SC-CAMLR-42).

4.93 The Commission agreed to establish the RSSS catch limit using Method 3 in table 5 of SC-CAMLR-42.

4.94 The Commission endorsed the advice of the Scientific Committee that the catch limit for the Ross Sea region (Subarea 88.1 and SSRUs 882A–B) be set at 3 499 tonnes for the 2023/24 season, with 69 tonnes allocated for the Ross Sea shelf survey in 2023/24 based on the outcome of the assessment (SC-CAMLR-42, paragraph 2.205).

4.95 The Commission endorsed the advice of the Scientific Committee that the existing measures in CM 41-10 paragraph 12 to spread effort in SSRU 882H remain in place for a further two seasons to allow for further evaluation of their effectiveness (SC-CAMLR-42, paragraph 2.209).

4.96 The Commission endorsed the advice of the Scientific Committee that the catch limits for Subarea 88.2 SSRUs 882C–H for the 2023/24 season be based on the trend analysis as shown in Table 4 of SC-CAMLR-42 (SC-CAMLR-42, paragraph 2.210).

4.97 The Commission endorsed the advice of the Scientific Committee on the continuation of the research in Subarea 88.3 as outlined in WG-FSA-2023/20 Rev. 1 for the 2023/24 season and that the catch limits for Subarea 88.3 be based on the trend analysis as shown in Table 4 of SC-CAMLR-42 (SC-CAMLR-42, paragraphs 2.211 and 2.212).

Fisheries classifications

4.98 The Commission considered CCAMLR-42/02, submitted by Russia, proposing the Commission review the procedural and implementational aspects of *D. mawsoni* fisheries classifications in the regulatory framework and establish the status of existing fisheries (to clarify fishery nomenclature). Russia argued that the outcome of the first stage should be a CCAMLR regulatory framework approved by the Commission in its entirety, including the procedural and implementational aspects of fisheries classification. The outcome of stage two should be a status allocated to each existing fishery in the Convention Area as approved by the Commission.

4.99 The Commission encouraged Members to collaborate on this issue.

4.100 Some Members rejected the assertion that the status of the exploratory fishery in Division 58.4.1 was ambiguous.

Non-target species

Fish and invertebrates

4.101 The Commission noted the discussions of the Scientific Committee on fish and invertebrate by-catch (SC-CAMLR-42, paragraphs 3.1 to 3.13).

4.102 The Commission endorsed the recommendation to maintain the current fishing cessation rule for Subarea 88.1 at the scale of SSRU, as specified in CM 41-09, paragraph 6, and the removal of CM 33-03, paragraph 6 (SC-CAMLR-42, paragraph 3.2).

4.103 The Commission endorsed the recommendation to maintain the current catch limits for *macrourids* in Subarea 88.1 (SC-CAMLR-42, paragraph 3.6).

Seabirds and marine mammals

4.104 The Commission noted the discussions of the Scientific Committee on the incidental mortality of seabirds and marine mammals (SC-CAMLR-42, paragraphs 3.16 to 3.57).

4.105 The Commission noted the decline of the sub-population Antarctic fur seals at the South Shetland Islands, which is attributed largely to predation by leopard seals. Although resource competition and potential incidental mortality in krill fisheries could also be considered threats to this sub-population, there is no evidence of an impact (SC-CAMLR-42, paragraph 3.22).

4.106 The Commission noted discussions regarding the potential implementation of a temporary krill-fishing time-area closure to minimise overlap with juvenile fur seals from the South Shetland Islands (SC-CAMLR-42, paragraph 3.23).

4.107 Some Members noted that such a response would be premature, given the lack of evidence presented in the paper demonstrating the decline of this sub-population being

attributed to the impacts of krill fishing. They further noted that such an action could have unforeseen consequences in the context of the harmonisation process between numerous other spatial management actions.

4.108 Many Members supported the proposal for a temporary time area closure, recalling the role of CCAMLR to apply the precautionary approach to progress proactive management decisions that aim to minimise the risk of long-term adverse effects based on the best available science, while accounting for uncertainty.

4.109 Some Members encouraged the fishing industry to consider establishing voluntary measures, such as an additional Voluntary Restricted Zone (VRZ), to reduce risk of incidental mortalities of South Shetland fur seals until the Commission is able to implement the revised krill fishery management approach.

4.110 The Commission noted the development of a gear library by the Secretariat (SC-CAMLR-42, paragraph 3.24) and endorsed the recommendations by the Scientific Committee for cetacean exclusion devices to be described within the Fishery Notifications, and for Members to provide the details of individual exclusion devices they are using (SC-CAMLR-42, paragraph 3.28).

4.111 The Commission endorsed the recommendation by the Scientific Committee to increase the level of warp strike observations onboard trawling vessels to 2.5% of total fishing time for the 2023/2024 season and to 5% of total fishing time from the 2024/2025 season on to improve the precision of warp strike rate estimates (SC-CAMLR-42, paragraph 3.35). Some Members expressed the view that a review period is needed to allow for the reassessment of an appropriate observation rate and observer priority tasks.

4.112 The Commission endorsed the recommendations by the Scientific Committee to maintain the existing derogation of the prohibition on net monitoring cables in Conservation Measure 25-03, paragraph 1, footnote 2, in the 2023/24 season, and to clarify in the second footnote to paragraph 1 of CM 25-03 that ‘on-vessel observation coverage’ includes both on deck observations and review of video footage in meeting the observer coverage requirements (SC-CAMLR-42, paragraph 3.44).

4.113 Norway noted that after five years of trials of mitigation measures in krill continuous trawl fisheries where a net monitoring cable was used, CCAMLR should now be able to recommend best practice guidelines for mitigation measures, thus making the workload associated with the current derogation procedures unnecessary. Norway noted that it will propose the modification of CM 25-03 at the next available opportunity, to permit the use of net monitoring cables in combination with mitigation measures and conditions already described in this Conservation Measure.

4.114 The Commission endorsed the recommendation by the Scientific Committee to include a definition of ‘night’ in paragraph 5 of Conservation Measure 25-02 to reduce ambiguity (SC-CAMLR-42, paragraph 3.48).

4.115 The Commission noted that light pollution is not just an issue for fishing vessels and encouraged the application of light pollution guidelines on all vessels in the Convention Area, with due consideration for vessel safety (SC-CAMLR-42, paragraph 3.52).

Bottom fishing and vulnerable marine ecosystems

4.116 The Commission noted the discussions of the Scientific Committee on bottom fishing and vulnerable marine ecosystems (VMEs) (SC-CAMLR-42, paragraphs 3.58 to 3.67), including the recommendation to adopt a Conservation Measure to provide protection to the Jonah's icefish (*Neopagetopsis ionah*) fish nest areas in the southern Weddell Sea and promote non-destructive research to understand their importance in the CAMLR Convention Area (SC-CAMLR-42, paragraph 3.67).

4.117 Russia noted that identifying a threat is a prerequisite for the establishment of protection measures. Russia further noted that as no fishery is currently operating in the southern Weddell Sea, the Commission has additional time to consider appropriate protection mechanisms.

4.118 Most Members stated the long-held practice of the Commission to take a precautionary approach to its decisions, which does not require the existence of threats prior to any action being taken to conserve Antarctic marine living resource, and noted that the work conducted by the Scientific Committee provides clear justification to protect the area. They further noted that the Commission is at risk of failing to implement its objectives by not providing immediate protection.

4.119 China agreed that the *Neopagetopsis ionah* nest area in the southern Weddell Sea needs to be protected and noted that further work should be conducted during the intersessional period to improve the definition of fish nest area and relevant indicators.

4.120 The Commission did not reach consensus on the advice from the Scientific Committee regarding the adoption of a Conservation Measure to provide protection to *Neopagetopsis ionah* fish nest areas in the southern Weddell Sea (SC-CAMLR-42, paragraph 3.67).

4.121 ASOC noted that it fully supported the recommendation of the Scientific Committee to adopt a Conservation Measure protecting fish nests as clear video evidence documenting this unique phenomenon exists. ASOC further noted that justification for protecting a species' site of reproduction is obvious, as it is directly related to ensuring the stable recruitment of the population. It further emphasised that it is contrary to the conservation objective of the convention that a scientifically justified conservation proposal like this should not move forward while fishing proceeds despite significant uncertainties.

Marine debris

4.122 The Commission noted that the terms of reference for WG-IMAF have been modified to clarify that the Working Group will address the direct impacts of marine debris on seabirds and marine mammals only if the marine debris originated from fishing activities within the Convention Area (SC-CAMLR-42, paragraph 3.54).

Spatial management

CCAMLR-SM-III

5.1 Chile reported on the outcomes of the Third Special Meeting of the Commission (CCAMLR-SM-III) held in Santiago, Chile, from 19 June to 23 June 2023. The Commission expressed its gratitude to Chile for its successful organisation of the meeting, and to the Secretariat for its support in assisting this process. The Commission noted that despite not achieving the desired outcome of creating a roadmap to the establishment of a representative system of MPAs, the meeting generated a better understanding of the different positions among Members, facilitating a clearer vision for a way forward.

5.2 Many Members expressed their disappointment that the meeting did not meet their expectations of progress and conveyed regret that previously agreed commitments to establishing a representative network of MPAs within CCAMLR could not be restated. However, they reaffirmed their commitment to fulfil the objective of the Convention through the spirit of good faith and cooperation to achieve the Commission's commitment of adopting a representative system of MPAs in the Convention Area.

5.3 China noted that CCAMLR determined in its 40th Anniversary Declaration to continue making best efforts to scientifically design, designate, implement, monitor and review effectiveness of MPAs in accordance with the CAMLR Convention. Although Members did not reach consensus for the time being on a roadmap for the establishment of new MPAs with specific time-bound framework in the context of CCAMLR, some Members noted the Special Meeting demonstrated that a step-by-step approach should be a way forward. China further elaborated the step-by-step approach as follows: First, modify the General Framework for the Establishment of CCAMLR Marine Protected Areas (CM 91-04), examining the effectiveness of existing conservation measures and drawing lessons from past practices. Second, encourage the proponents to amend, in accordance with the modified CM 91-04, their MPA proposals and improve relevant supporting materials. Third, consider the amended MPA proposals and supporting materials at the Scientific Committee and the Commission

5.4 China also noted that the Commission has already endorsed the nine Planning Domains as the basis for planning all CCAMLR MPAs in the Convention Area on the basis of the advice of the Scientific Committee (CCAMLR-XXX, paragraph 7.4).

Proposals for marine protected areas (MPAs)

5.5 The Commission noted the discussions in the Scientific Committee on proposals for new MPAs (paragraphs 4.17 to 4.32).

5.6 The Commission considered CCAMLR-42/40, submitted by Australia, the EU and its Member States, India, New Zealand, Norway, Korea, Ukraine, the UK, the USA and Uruguay, which presented a draft conservation measure for an East Antarctic Marine Protected Area (EAMPA). Over the past eleven years, the proponents have worked with all Members on the EAMPA draft conservation measure to incorporate comments and feedback.

5.7 Many Members noted the EAMPA proposal has been refined over the years to take into account suggestions and incorporated new scientific information presented in 2017. They

further noted that the EAMPA was a mature proposal based on the best available science and was therefore ready to be adopted by the Commission.

5.8 Some Members noted that their comments had not yet been taken into account in the past 10 years and questioned the status of the best available scientific evidence given climate change influence, new data obtained, as well as the changes to the proposal in the past 10 years. They considered that the conservation needs and corresponding threats had not been identified, the proposal lacked time series data, links between the specific objectives of the proposal and the objective and principles of the Convention had not been described, and that MPAs could not provide protection against the impacts of climate change.

5.9 Many Members disagreed and noted that given CCAMLR's precautionary and ecosystem-based approach to management, threats do not need to be identified for MPAs to be established. They highlighted that the EAMPA proposal aimed at guaranteeing the representativeness of the bioregion's ecosystems, providing scientific reference areas, and conserving values in adequate proportions of all benthic and pelagic environments. They emphasised the importance of MPAs in the context of rapidly changing environments, and the importance of MPAs to maintain the resilience of Antarctic marine ecosystems. In response to questions about the size of the proposed MPA, many Members noted that scientific results collected since the EAMPA proposal was developed suggest that the protected areas could be expanded to the original proposal further reinforcing the need for protection in East Antarctica and highlighted that there is no scientifically justifiable reason to not adopt the proposal.

5.10 ASOC noted it supported the adoption of this proposal and had done so for over 10 years and hoped that the EAMPA could be designated as soon as possible.

5.11 The Commission considered CCAMLR-42/39, submitted by the EU and its Member States, Norway, Uruguay, Australia, the UK, New Zealand, the USA, Korea, India, Ukraine and Chile, which presented a draft conservation measure for a Weddell Sea Marine Protected Area (WSMPA) – Phase 1. The proponents recalled that the proposal conforms to the requirements of CM 91-04 and is formulated on the basis of the best scientific evidence available, including the priority elements for the research and monitoring plan (RMP). Further information about the WSMPA Phase 1 proposal is available at <https://wsmpa.de/en>.

5.12 Many Members noted that this proposal had been continuously refined since 2018, even during the COVID-19 pandemic, and that it was a mature proposal that should be adopted by the Commission.

5.13 Some Members considered that the need for the MPA was not clear as there are established conservation measures in place to effectively manage fishing activities in the area and that the MPA would not provide protection against the impacts of climate change. They referred to the standing concerns and suggestions in papers such as SC-CAMLR-38/BG/15, SC-CAMLR-40/16, SC-CAMLR-41/BG/17, and emphasised that more work needs to be done in the Scientific Committee in the future. They further questioned why the proposal spanned multiple MPA planning domains, requested the size of the MPA be clarified, and sought for the establishment of scientific standards for the potential candidate of climate refugia.

5.14 The proponents clarified that while no MPA can prevent climate change from occurring, the MPA can provide refugia for cold adapted species and the ecosystems, which can support

resiliency in how they respond to the impacts of climate change. They also reiterated the strong scientific basis for the proposal, and that no threat was needed in order to establish MPAs.

5.15 Many Members stated that there did not need to be an identifiable risk from fishing to determine an MPA. A precautionary approach would seek to have pre-emptive protection.

5.16 ASOC supported the adoption of the WSMMPA – Phase 1. Responding to the suggestion from some Members that there were not sufficient threats to the Weddell Sea to justify the creation of the MPA, ASOC considered that the WSMMPA offered an opportunity to take precautionary action before environmental harm had occurred.

5.17 The Commission considered CCAMLR-42/26, submitted by Argentina and Chile, which presented a revised proposal for a conservation measure establishing a MPA in Domain 1 (Western Antarctic Peninsula and South Scotia Arc) (D1MPA). Since the initial presentation of the proposal in 2018, both Argentina and Chile have been openly available to engage with interested Members to address any outstanding concerns as they arise. Both Members are of the view that the proposal's solid scientific foundations are sufficient to present the proposal for the Commission's consideration in 2023.

5.18 The proponents noted that the D1MPA could be further developed to support the harmonisation of spatial management in the Antarctic Peninsula area through the Harmonisation Symposium (paragraph 4.36). The Symposium can highlight how the MPA could provide benefits for conservation and for fisheries as well as how fisheries can provide information to support the monitoring and evaluation of the MPA.

5.19 Many Members noted that the proposal was mature, based on the best available science and ready to be adopted. They considered that the proposal was comprehensive, feasible and ambitious and that the objectives were aligned with CM 91-04. They further noted that recent information suggests that CCAMLR should become even more precautionary in light of increasing environmental uncertainty, which also highlights increased urgency for establishing this MPA, and that the D1MPA proposal would be a significant step in the establishment of a representative system of MPAs.

5.20 The USA further noted that the Workshop on Spatial Management advised the Scientific Committee that the D1MPA would substantially increase the representativeness of MPAs in the Convention Area. It also noted the Scientific Committee recommendation to consider the threats to the subpopulation of Antarctic fur seals breeding in the South Shetland Island, a population that could be classified as critically endangered and is threatened by krill fishing. In indicating its support for the Harmonisation Symposium, it clarified that the symposium should include consideration of the threats to Antarctic fur seals.

5.21 Some Members noted that further work was still required. China noted further discussions through the Harmonisation Symposium could facilitate the consideration of the MPA proposal with fishery management processes in the area. Russia noted that its views on the D1MPA were contained in CCAMLR-42/37 and it disagrees with paragraph 14 in the draft conservation measure CM 91-XX (CCAMLR-42/26), according to which the D1MPA can be established without a Research and Monitoring Plan approved by the Commission. Russia noted that the D1MPA region includes the SOISS MPA, governed by CM 91-03, and stressed the

issue of clarification of the legal and scientific aspects of the existence of the SOISS MPA and highlighted the need to transition the governance of the SOISS MPA to the CM 91-04 with the provision of all necessary documents.

5.22 ASOC thanked the proponents for the proposal and noted that it was based on an incredible amount of scientific information. ASOC further expressed hope that any issues with this proposal could be addressed to make progress towards creating a representative system of MPAs.

5.23 The Commission considered CCAMLR-42/01 Rev. 2, submitted by Norway, which presented a proposal for the establishment of a WSMPA – Phase 2. The proposal has incorporated the recommendations from WG-EMM-2023. The RMP for the MPA will be developed and will serve as a basis for a dynamic management system that can quickly respond with appropriate measures to observed changes. Norway submitted a request to SC-CAMLR-42 for a workshop to develop the RMP. The proposal was supported by the Scientific Committee.

5.24 The Commission welcomed the proposal, noting the significance of the Commission receiving a new MPA proposal for consideration. The Commission thanked the proponents for the significant work in developing such an innovative new proposal and noted that additional discussion during the meeting has improved the proposal with respect to protection levels achieved, the zoning approach, and made refinements to proposed conservation measure language. The UK thanked Norway for the considerable work undertaken and confirmed they were in a position to co-sponsor the proposal.

5.25 The Commission welcomed the intention of Norway to hold a workshop to further develop the research and monitoring plan associated with this MPA proposal and many Members looked forward to participating in the workshop. They welcomed further clarifications and discussions to progress this proposal and development of the RMP.

5.26 Some Members requested further development of the proposal to identify the conservation needs of the region, the life history of toothfish, and how the proposal would affect current conservation measures. They further noted that it was not clear how the MPA would protect the ecosystem from the impacts of climate change nor how the boundaries of the different zones were justified. Some Members requested the RMP should be included in the proposal, should specify required research by review periods, and that leaders should be identified for the first review period, and sought for clarification on the scientific rationale and criteria used to determine the protection targets, i.e., the percentage of features be covered by the proposed MPA.

5.27 Many Members noted the robust scientific basis for the proposal, that the proposal was based on the best available science, and that they were ready to work in the margins of the meeting to support its adoption this week.

5.28 ASOC thanked Norway for presenting the proposal and noted its appreciation for their willingness to incorporate the suggestions they received into the next version of the proposal. ASOC welcomed the addition of Zone F and looked forward to seeing the clarifications on management zones. ASOC also noted it looked forward to participating in the planned RMP workshop.

5.29 Norway noted that discussions during the meeting were fruitful and progressed options for how different activities in the MPA could be managed, restricted, or prohibited within each of the proposed zones. These discussions added to the progress made in response to the comments of WG-EMM-2023 (WG-EMM-2023, paragraphs 7.1 to 7.18). Norway looked forward to further discussions at the workshop next year which could include both the development of the RMP and addressing overarching questions regarding the progress of adopting MPAs. Norway welcomed the UK as a co-sponsor of the proposal.

5.30 The Commission considered CCAMLR-42/28, submitted by Russia, which presented a draft amendment to CM 91-04. Russia proceeded from the need to regulate a unified process of establishing MPAs and regulate their function by the Commission and proposed a number of procedural and implementation measures in four proposed annexes to CM 91-04. The unified process included the recognition of the need to agree on a definition of ‘Marine Protected Area’ in the CAMLR Convention Area as agreed by the ATCM and an MPA Management Plan to be developed using the best available data, sufficient to ensure a unified process for the establishment and operation of the MPA in a particular aquatic area. The author noted that the MPA Management Plan is an integral part of the documentation package for the Commission to consider and approve the establishment of an MPA. The proposed amendments included four additional annexes: (i) legal management aspects of MPAs in the Convention Area; (ii) a benchmark checklist to regulate the unified process for the establishment and operation of MPAs in the CAMLR Convention Area; (iii) an MPA Management Plan and (iv) an MPA RMP.

5.31 The Commission noted CCAMLR-SM-III/10, submitted by Russia, which presented a proposal to provide a ‘roadmap’ for establishing MPAs and their ongoing management. The document suggests amending CM 91-04 to regulate a unified process for the establishment and management of MPAs, and the suspension of discussions on new proposals to establish MPAs in the Convention Area until CMs 91-03 and 91-05 are aligned with the rules governing the revised CM 91-04.

5.32 Some Members noted that progress had been made in developing a step-by-step way forward for MPA designation, especially at CCAMLR-SM-III, and that improvements to CM 91-04 are the key part of the step-by-step forward approach, which will facilitate the Commission to further consider the MPA proposals.

5.33 Many Members noted substantial concerns with the proposed amendments, including objections to the need for ‘sufficient’ instead of ‘best available’ science as the Convention does not link the concept of sufficiency to science-based decision making and that the best available science is sufficient to establish MPAs. They also noted concerns regarding the proposed need for a definition of an MPA, the need for a checklist to unify proposals, and further noted that these research and monitoring plan provisions would be too prescriptive for a scientific process. They also noted that adoption of the proposed annexes would create inconsistencies with the body of CM 91-04. They also noted that such constraints and inconsistencies would not unify or progress the development of MPA proposals, but rather slow progress and add more obstacles to the adoption of MPAs and in achieving the goal of establishing a representative system of MPAs.

5.34 Many Members noted that despite the lack of progress in adopting MPAs since 2017, there has been substantial progress in the science supporting the design of MPA proposals and

the development of RMPs. They considered that CM 91-04 is currently fit for purpose as a general measure to support the development of MPA proposals.

5.35 China noted that additional discussion was necessary to progress the development of a roadmap to establishing and operating CCAMLR MPAs and proposed the topic be included in the agenda for the next meeting. The Commission agreed to revise the title of agenda item 5.4 to ‘General issues related to spatial management including the establishment and operation of MPAs’ in the preliminary agenda for CCAMLR-43.

Review of existing MPAs

5.36 The Commission noted the Scientific Committee discussions on scientific analyses relevant to existing MPAs, including research and monitoring plans for MPAs (SC-CAMLR-42, paragraphs 4.4 to 4.16) and the use of SMART criteria.

5.37 The Commission considered CCAMLR-42/44, submitted by USA and Italy, which presented a proposed revision to the Ross Sea Region Marine Protected Area (RSRMPA) Research and Monitoring Plan (RMP). Recalling that in 2017, the Scientific Committee endorsed the RMP (SC-CAMLR-XXXVI/20), but that it has not been adopted by the Commission, the proposed revision takes into account feedback from Members and WG-EMM-2023, including 20 priority SMART criteria as selected from the initial 46. All Members have had opportunity to comment on the SMART criteria, and the priority criteria included in the RMP have themselves been slightly revised to address some of those comments.

5.38 Russia brought to the Commission’s attention the contents of SC-CAMLR-42, paragraphs 4.4, 4.11 and 4.13, and noted it considered that the proposed RMP was not best available science. Russia noted further intersessional work was needed for a future adoption of the RMP by the Commission.

5.39 China also recalled the Scientific Committee discussion on the subject and noted the need for further improvement of the baseline data, and the use of indicators on harvesting activities together with indicators on ecosystem status and indicators on the results of the scientific research. China also emphasised the importance of focusing on the connection between the specific management measures of the MPA with changes in ecosystem status indicators, to assess the extent to which the objectives of the MPA have been met. China noted that the specified thresholds/targets are much lower than the baseline conditions for most of the indicators for the MPA objectives, which are inconsistent with the objective and principles of the Convention. China indicated it had further technical comments and was looking forward to their consideration in the intersessional period.

5.40 China recalled SC-CAMLR-40/17 (SC-CAMLR-40, paragraph 4.24) which provided an example of how baseline data should be compiled and put forward to show trends for the Commission’s consideration.

5.41 The USA indicated it had considered these data for inclusion in the baseline data but found other indicators to be better suited and had therefore included them in the current baseline data.

5.42 Many Members welcomed the extensive work presented by the USA and Italy and thanked them for their flexible approach and thoughtful consideration of feedback provided by Members and WG-EMM-2023. They noted the proposal was consistent with the objective of the Convention, and that the RSRMPA RMP was adopted by the Scientific Committee in 2017. They recalled CCAMLR-41/BG/20 which celebrated the five-year anniversary of the MPA and reported on research comprising 460 projects related to all 11 MPA objectives, carried out collaboratively by 20 CCAMLR Members, 2 Acceding States and 7 Cooperating Parties (CCAMLR-41, paragraphs 5.47 and 5.48). They highlighted that such international collaboration was a testament to the effectiveness of the research conducted in the RSRMPA under the RMP and looked forward to the adoption of the RMP by the Commission.

5.43 Some Members requested the Commission to reconfirm the procedure that the RMP for CCAMLR MPAs should be adopted by the Commission, on the basis of the advice of the Scientific Committee, as stipulated in CM 91-04 and CM 91-05, with a view to providing guidance for the future work.

5.44 A range of views were expressed regarding this proposal. Some Members noted that it was not necessary to reaffirm provisions from CM 91-04 on RMP adoption in the meeting report, and that, in the case of the RSRMPA, the RMP endorsed by the Scientific Committee in 2017 could be adopted by the Commission now under the provisions of CM 91-04. Others considered that this question could very well be addressed in isolation, and further be applied to all CCAMLR MPAs RMPs. Some Members recalled some of the conclusions of CCAMLR-SM-III, in particular that continuous debate on procedural questions, were hindering progress.

5.45 The Commission did not reach agreement on this issue and noted that further work was required (see also paragraph 5.34).

5.46 Russia noted that the RSRMPA baseline data spanned 55 years of observations but highlighted that the methodologies used for data collection and processing had not been considered or adopted by the Scientific Committee. Russia stressed the need for clarity on whether the available retrospective data can meet the MPA objectives in terms of quality, sample representativeness, and fragmentation. Moreover, Russia noted that it is necessary to clarify which indicators and criteria for the MPA's protections and effectiveness will be used. Russia noted that clarity on ecosystem function, the status and dynamics of indicator species populations inside and outside the MPA was lacking. Russia further noted that CM 91-05 did not contain a clause to stipulate a procedure to manage catch limits for toothfish and other research within the MPA.

5.47 The Commission looked forward to future work on this issue as outlined in SC-CAMLR-42, paragraph 4.16.

5.48 In response to discussions of baseline data and MPAs, the Scientific Committee Chair highlighted that consistent with article IX.1(b) of the Convention, it is the responsibility of all Members to compile the data and encouraged Members to contribute data for consideration of this matter.

5.49 Many Members voiced concern at the expectations of some Members regarding the data and information to be provided before MPAs are established, which was out of step with the

amount of data and information used to inform fisheries management. They noted that the Ross Sea region ecosystem was one of the best documented in the Convention Area and that requiring more information for MPAs and RMPs than for fisheries was not acceptable.

General issues related to spatial management

5.50 The Commission noted the Scientific Committee discussion of SC-CAMLR-42/BG/15 (SC-CAMLR-42, paragraphs 4.1 to 4.3).

5.51 China noted that these discussions are related to policy issues and recalled that Article II of the Convention stipulated ‘for the purposes of this Convention, the term “conservation” includes rational use’. China also recalled that the ATCM Working Groups on Marine Living Resources ‘agreed to include in its Report the understanding of the Group that the word “conservation” as used in the draft Recommendation includes rational use, in the sense that harvesting would not be prohibited’ (ATCM-IX, paragraph 10). China noted that ecosystem approach and precautionary approach were the strong basis for CCAMLR’s practices with regard to fishery management, taking full consideration of the impact of fisheries on dependent and associated species and ecosystem impacts. China further noted that the Scientific Committee and its working groups have been considering the effect of climate change throughout its work program. China noted concepts such as ‘preservation of Antarctic marine life’ were not included in the Convention and highlighted that the intention to reset by separating ‘Conservation’ and ‘rational use’ or ‘fisheries’ was going against the Convention and may imply the amendment of the Convention. China recalled that the Convention Area had been characterised as an IUCN category IV MPA in accordance with the advice of the Scientific Committee (SC-CAMLR XXIV, paragraph 3.54; CM 91-04, Preamble).

5.52 Many Members stated that they considered that the Commission’s characterisation of the Convention Area as an IUCN category IV MPA was now out of date.

5.53 The IUCN thanked the Commission for the opportunity to participate and referred to Nicoll and Day (2017) which clarified that the Convention Area could not be considered as an IUCN category IV MPA.

5.54 Some Members noted that CCAMLR is an independent organisation that is capable of making its own decisions to give effect to the objective and principles of the Convention.

5.55 Many Members recalled that the objective of the Convention (Article II(1)) is the conservation of Antarctic marine living resources. They further highlighted that it was the Commission’s mandate and responsibility to have the right tools to ensure achievement of that objective, such as Conservation Measures and MPAs. They recalled the valuable contribution of CCAMLR-XXXV/BG/28 on that subject.

5.56 Russia requested clarification regarding the process that led to the consideration of SC-CAMLR-42/BG/15 by the Scientific Committee.

5.57 The Chair of the Scientific Committee informed the Commission that the process had followed the Rules of Procedure of the Scientific Committee.

5.58 Russia noted that SC-CAMLR-42/BG/15 was not a working paper and stated that in accordance with rule 24(c) of the Rules of Procedure of the Scientific Committee its consideration shall be subject to a decision of the Scientific Committee. Russia also stated that at the same time the Scientific Committee report lacks any mention of this decision which indicates that the Rules of Procedure of the Scientific Committee were not complied with.

5.59 The Commission considered SC-CAMLR-42/12, submitted by the United States, which presented a revised management plan for ASPA No. 152 Western Bransfield Strait and ASPA No.153 Eastern Dallmann Bay, which identified there would be considerable benefit to merging the two ASPAs into a single plan covering both sites. In 2023, CEP-XXV endorsed the revised plan, including keeping the two protected areas at their original sizes and making vertical boundary adjustments to establish a subsurface boundary at 20 m, which allows freedom of vessel transit above the area.

5.60 The Commission endorsed the advice from the Scientific Committee (SC-CAMLR-42, paragraph 4.38), approved the ASPA management plan and forwarded it to the ATCM for final approval. It noted that this matter represented an occasion to demonstrate collaboration between CCAMLR and other bodies within the ATS.

5.61 The Commission considered SC-CAMLR-42/BG/15, submitted by ASOC, in which ASOC considered the state of affairs of MPA discussions after CCAMLR-SM-III and recommended that the system of CCAMLR MPAs should be adopted as a matter of priority. ASOC further proposed that, in accordance with global agreements (CBD, BBNJ) already endorsed by most CCAMLR Members, a roadmap should aim to achieve at least 30% protection of the Convention Area by 2030. ASOC also contended that no new fisheries proposals or increases of total allowable catches for current fisheries should be adopted until tangible progress has been made on spatial management and that CM 91-04 should remain unchanged. The authors concluded that MPAs should not be subjected to a higher level of scientific scrutiny than that required for fisheries.

5.62 Ukraine thanked ASOC for their analysis of the current situation and agreed that a roadmap was urgently needed to achieve progress.

5.63 Russia thanked ASOC for the information but noted it could not agree with their conclusions. Russia noted that the establishment of catch limits could not be linked to the establishment of MPAs as such conditionality was not scientifically based. Russia also noted that amending CM 91-04 would enhance it (paragraph 5.31).

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

6.1 The Commission noted the discussions of the Scientific Committee on climate change (SC-CAMLR-42, paragraphs 5.1 to 5.29) including the advice from the Workshop on Climate Change (WS-CC-2023) in paragraphs 5.4 to 5.14, the inclusion of climate change considerations in all working group Terms of Reference, the development of templates to evaluate potential climate change effects on stock assessments, its decision to add a new agenda item on Ecosystem Monitoring and Management to capture broader discussions on status and

trends which include climate change (SC-CAMLR-42, paragraph 9.31), and the future joint CEP–SC-CAMLR workshop on climate change (SC-CAMLR-42, Annex 9).

6.2 The Commission welcomed the work conducted by the Scientific Committee to include the consideration of climate change in its advice. It welcomed the enhancement of its work brought by the cooperation with organisations such as SCAR, SOOS and CEP.

6.3 The Commission noted SC-CAMLR-42/BG/12, submitted by the UK, which presented a description of extreme environmental events that have been observed in Antarctica in recent years. The paper considered the likely causes and implications of such phenomena and concluded that such extreme events are virtually certain to become more frequent and more intense if the ambition of the Paris Climate Agreement is not met.

6.4 The Commission noted several examples of extreme events such as the record low sea ice extent in 2023, large temperature anomalies in the Antarctic Peninsula region and reduced sea ice coverage linked to breeding failure of emperor penguins, and snowstorms linked to breeding failure of seabirds in Dronning Maud Land.

6.5 Many Members noted the urgency of the climate crisis and the need to develop adaptive management approaches to address the effects of climate change on marine living resources. The Commission further noted the need for measures which are dynamic and flexible enough to be adjusted when nature and conservation needs change as the Southern Ocean continues to warm. The Commission noted that 2023 had seen a number of unprecedented and escalating climate events across the globe, including a record low sea ice minimum in Antarctic which is likely linked to warming waters in the Southern Ocean.

6.6 The Commission noted the importance of enhancing the efforts in scientific research and monitoring, and that adapting and mitigating the effects of climate change will require the use of a variety of management tools and concrete actions.

6.7 Many Members support the identification of climate change refugia and protecting sites of special interest as useful tools to address the impact of climate change. They further noted that MPAs can protect vulnerable species and ecosystems against human induced pressures.

6.8 The Commission noted papers SC-CAMLR-42/BG/11 presented by SCAR and SC-CAMLR/42/BG/28 Rev. 1 presented by SCAR and SCOR.

6.9 SCAR made the following statement:

‘SCAR would like to thank the Scientific Committee and its working groups, and the recent climate change workshop, for the extensive work that they have done to address this important topic. We would like to briefly refer to the two background papers we have submitted under this agenda item. And we also thank Members for the appreciation they have shown for SCAR’s contributions to this work. SC-CAMLR-42/BG/11 presents an update on recent research and advances in understanding of climate change in the Antarctic physical environment, and the biological implications of these changes - summarizing key developments that are likely to be of interest to CCAMLR. Global ocean temperatures reached a record high in 2022. As we have already heard, record low sea ice extent was also observed in 2023, for the second year in a row. New research demonstrates that ocean warming is playing an important role in driving this

phenomenon, and that Antarctic sea ice may be moving into a new regime of persistently low extent. Recent studies have also shown that warming observed in Antarctica is outside the range of natural variability, and can be attributed to drivers including increased greenhouse gases and ozone depletion. In the biological environment, record low sea ice led to regional breeding failure of emperor penguins in the Bellingshausen Sea in 2022. Extreme snowstorms caused large-scale breeding failure of seabirds in Dronning Maud Land. And warmer sea surface temperatures and decreased sea ice in the Antarctic Peninsula region have been associated with reduced abundance of larval Antarctic silverfish. These observed physical and biological changes are important context for all of CCAMLR's discussions, and we are encouraged by the attention being given to the topic of climate change across the Commission, the Scientific Committee and its working groups. SCAR was pleased to have received an invitation for its experts to participate in the recent climate change workshop – which we think made some excellent progress. One of SCAR's contributions to the climate change workshop and to this meeting has been the first Marine Ecosystem Assessment of the Southern Ocean (MEASO), details of which can be found in SC-CAMLR-42/BG/28, submitted on behalf of SCAR and SCOR. The MEASO Summary for Policymakers report was launched here in Hobart last week - we hope this will be useful in informing CCAMLR on the state of the Convention Area, and as a source of scientific information for the Scientific Committee and its working groups. A key highlight from MEASO has been the breadth and diversity of the scientific community brought together to develop this work - and this community remains ready to support the work of CCAMLR. SCAR reiterates its commitment to provide regular scientific updates to CCAMLR on the current understanding of, and projections for, climate change and its impacts in Antarctica and the Convention Area. We look forward to contributing further work towards the recommendations from the climate change workshop. And we encourage Members to make further specific requests for information from SCAR where relevant to future work on climate change.'

6.10 The Commission thanked SCAR and SCOR for bringing the MEASO and their updates on climate change to the attention of CCAMLR.

6.11 Many Members considered that these contributions were significant for the ecosystem-approach for conservation and management of Antarctic marine living resources and Antarctic biodiversity and ecosystems.

6.12 The Commission welcomed the suggestion that an annual report on the status of Antarctic marine living resources be developed by the Scientific Committee.

6.13 The Commission noted that improvements in communication about how CCAMLR responds to the effects of climate change could include a dedicated webpage as recommended by WS-CC-2023, and that climate change should be a priority area for the work on updating the CCAMLR website.

6.14 The Commission recalled the successful update of the CCAMLR Resolution 36/41 on climate change last year and highlighted that the activities within CCAMLR's mandate and that the resolution requires increased consideration of climate change impacts to better inform CCAMLR management decisions.

6.15 The Commission thanked SCAR for their continued work on providing scientific information and advice to CCAMLR on the impacts of climate change.

6.16 The Commission noted SC-CAMLR-42/BG/09 presented by Oceanites.

6.17 Oceanites made the following statement:

‘As described in our SC-CAMLR-42\BG\09, Oceanites continues to work with other researchers and Antarctic stakeholders to understand the consequences of climate change, and to distinguish the interactive effects of climate change vis-à-vis human activities and other factors that might definitively explain penguin population changes that are being detected. With the 30th anniversary field season of Oceanites’ Antarctic Site Inventory project beginning this November, Oceanites reports an ongoing dedication to monitoring as being critical to the conservation of any and all ecosystems, not least Antarctica’s marine ecosystem. Via the Inventory and the Antarctic continent-wide penguin database MAPPPD that we maintain, Oceanites continues to make available and freely provide Antarctic penguin population data from direct census work conducted by Oceanites and its collaborators and other researchers, data and information that everyone in the Antarctic Treaty system relies upon. The importance of continuous, season-to-season monitoring is punctuated by recent events that which SCAR has summarised in the paper, and especially by the now confirmed outbreak of the highly pathogenic avian influenza virus, HPAI. The cumulative effects of these unprecedented climate events and other stressors are not yet fully understood in terms of population dynamics. Regarding the outbreak and potential spread of avian influenza, we again note that a new layer already has been added to the MAPPPD database to make location information regarding suspected and confirmed HPAI outbreaks immediately and publicly available (<https://www.penguinmap.com/mapppd>). The just confirmed outbreak in Subarea 48.3 is already visible. Lastly, we would also support the potential establishment of an e-group to facilitate and to further ensure that HPAI outbreak information is widely distributed.’

6.18 The Commission noted the workshop to be held jointly by the Scientific Committee and CEP to discuss synergies between both organisations in relation to climate change (SC-CAMLR-42, paragraph 5.29), and welcomed Dr Cavanagh (SC-CAMLR) and Ms Jolly (CEP) as the Co-conveners of the workshop. The Commission further noted that the last workshop in 2016 provided useful information and collaboration between the CEP and CCAMLR.

6.19 Some Members noted the necessity to focus on monitoring and scientific research to objectively determine the risks and potential benefits that may result from the effects of climate change, and also that while some species may be put at risk, others may benefit from the effects of climate change.

6.20 Most Members noted that MPAs can protect species and ecosystems vulnerable to climate change against additional pressures from human activities.

6.21 The Commission noted that changes to conservation measures for fisheries management should consider the precautionary approach when accounting for the impacts of climate change.

6.22 The Commission noted that at the ATCM earlier this year, through the Helsinki Declaration on Climate Change and the Antarctic, all ATS parties reaffirmed their commitment to address the adverse impacts of climate change in Antarctica and recognised the critical role of Antarctica and the Southern Ocean in the global climate system.

6.23 Canada made the following statement:

‘Canada would like to add its voice to the multiple interventions supporting the need for urgent action in relation to climate change and recognising the incredible science contributions in this regard. The science is clear, climate change will continue to have impacts on ocean ecosystems globally, and this will be exacerbated in polar regions. It’s not a question of if, but of how much. This requires coordinated action across organizations and regions of the world. In this regard, I would like to note the importance of the Ocean Climate Change Dialogue under the UNFCCC, of which Canada has the privilege to be serving as co-facilitator, along with our partners from Chile. The Dialogue session earlier this year focused on topics of relevance to CCAMLR, including blue carbon, and fisheries. We would encourage all members of the Commission, if you haven’t already, to review the outcomes of this year’s session, ensure coordinated participation in future sessions of the Dialogue, and consider how to incorporate the outcomes and recommendations into CCAMLR’s work. While we are not a member of the Commission, Canada remains committed to supporting and conducting research on climate change, including related to the Southern Ocean, and we look forward to collaborating with all partners in this regard.’

6.24 ASOC made the following statement:

‘ASOC was pleased to participate in the climate change workshop and is glad to see that the recommendations were endorsed by the Scientific Committee. We support the comments of Members noting the overwhelming scientific evidence available on the effects of climate change, so we won't repeat them. We also appreciate that many Members have noted the importance of taking concrete action on climate change. ASOC wants to emphasise that while incorporating climate change information into fisheries management decisions, as was discussed extensively at the workshop, is important, CCAMLR must also take protection measures. We echo the comments of the UK that we need to take rapid action to respond to climate change through the designation of MPAs, and add that CCAMLR should adopt other measures, such as the designation of sites of special scientific interest and possibly the create new management tools and approaches to deal with this unprecedented situation. We also welcome the joint CEP–SC-CAMLR workshop, and would also echo the statement of Canada noting the importance of coordinated action across regions to address this global problem.’

Implementation and compliance

Advice from SCIC

7.1 The Chair of SCIC, Ms M. Engelke-Ros (USA), presented the SCIC-2023 report (Annex 6). The Commission noted that Dr L. Fields (USA) was nominated for Chair of the Conservation Measure Drafting Group (CMDG) and endorsed the nomination.

7.2 Russia expressed the view that it had been denied the opportunity to attend SCIC, in contravention of the Convention, due to the late issuance of visas by Australia and stated its position that, consequently, decisions were made without consensus.

7.3 Many Members reiterated that the SCIC report was adopted in full compliance with the Convention and Rules of Procedure.

7.4 Many Members thanked Australia for its efforts to resolve this exceptional issue and were happy to see all Members at the Commission meeting.

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

7.5 The Commission noted the report on the implementation of CM 10-08 (CCAMLR-42/13), highlighting that updates were provided by Spain (SCIC-2023, paragraphs 132 and 133) and Korea (SCIC-2023, paragraph 134). The Commission endorsed the recommendation that the Secretariat continue to report on the implementation of CM 10-08.

7.6 The Commission noted that SCIC considered the overview of CCAMLR data holdings for the purposes of undertaking IUU risk assessments and supporting MCS activities (CCAMLR-42/BG/13 Rev. 1), INTERPOL's interim report (CCAMLR-42/BG/14), reporting on the enhancement of information sharing and collaboration to combat IUU fishing (CCAMLR-42/BG/15) and the ongoing cooperation with international and regional organisations to combat IUU fishing and enhance compliance monitoring (CCAMLR-42/BG/16).

7.7 The Commission noted that one new vessel, the *Cobija* (ex-Cape Flower; IMO 7330399), was included on the Provisional NCP-IUU Vessel List as per CM 10-07, paragraph 9(iv) (SCIC-2023, paragraph 135). The Commission noted SCIC's acknowledgement that the *Cobija* was included on the Provisional NCP-IUU Vessel List based on information provided to the Secretariat by the International MCS Network's Joint Analytical Cell (JAC) and noted the additional information provided on the matter by the Republic of Panama, INTERPOL, Mauritius, and Bolivia.

7.8 Ecuador recalled that in 2018 it had provided information to the Commission reporting possible contraventions by the *Cobija* when it attempted to land toothfish in an Ecuadorian port. Ecuador noted this information has borne fruit with the Commission now reviewing activities of this vessel in the Convention Area. The Commission thanked Ecuador for the information it had provided.

7.9 The Commission adopted the 2023/24 NCP-IUU Vessel List with the inclusion of the *Cobija*.

7.10 The Commission considered the Proposed CP-IUU Vessel List and noted that no new additions had been included in the list.

7.11 Russia drew the attention of the Commission to CCAMLR-42/BG/25 and noted that CM 10-06, paragraph 6, would allow for the inclusion of vessels on the Draft CP-IUU Vessel List which participated in the *Dissostichus* spp. fishery in Subarea 48.3 in contravention of CM 31-01. Russia further noted that CM 31-01 stipulates that the setting of catch limits should be done by the Commission not an individual Member and explained its opinion that in the absence of such limits, licences should not be issued. Russia noted that Subarea 48.3 is covered

by Article IX of the Convention and expressed that Article XXI of the Convention had been violated and its concern that the UK-flagged *Argos Georgia*, *Argos Helena* and *Nordic Prince* were not included on the CP-IUU Vessel List.

7.12 Argentina made the following statement:

‘Argentina regrets that in CCAMLR-41 the Commission was unable to adopt a conservation measure that would enable fishing for *Dissostichus eleginoides* in Subarea 48.3, and that therefore the fishing carried out this year in said area has occurred in breach of the Conservation Measure 31-01, which necessarily requires the adoption of a conservation measure enabling such fishing. We also regret that for the second year in a row the United Kingdom has taken unilateral measures regarding this fishery. For this reason, we request that the British flagged vessels *Argos Georgia*, *Argos Helena* and *Nordic Prince* be added to both the CP-IUU vessel List and the CCAMLR Compliance Report.

We want to highlight, however, that Argentina maintains the hope that at this meeting a conservation measure can be adopted allowing fishing for *Dissostichus eleginoides* in Subarea 48.3.

We are very concerned that the Commission has not reached consensus to include the three UK-flagged vessels with British-Norwegian shipowners – that is the *Argos Georgia*, *Argos Helena* and *Nordic Prince* – in the CP-IUU vessel list and in the CCAMLR Compliance Report, taking into account the clear breach of this Commission’s conservation measures. This organization’s failure to sanction this action sets a serious precedent and severely affects its reputation.

Argentina regrets that the United Kingdom has put aside the search for multilateral solutions, as it had done when this situation first arose in 2021, to take unilateral measures.

Argentina also regrets that the United Kingdom has used Russia’s actions in CCAMLR-40 and CCAMLR-41 to justify not complying with the rules of the Convention, in stark contrast to the actions of other Members who refrained from carrying out fishing activities in Subarea 48.3 or from buying the resulting produce, as they accurately considered that they did not comply with the regulations approved by the Commission.

Argentina reiterates that for the reasons already explained at length, the United Kingdom cannot take unilateral measures in this Subarea, based neither in international law nor the Statement by the Chairman of the Conference of 1980, given the existence of a sovereignty dispute over the Malvinas Islands, South Georgias Islands, South Sandwich Islands, and the surrounding maritime areas. Argentina reiterates that in Statistical Subareas 48.3 and 48.4 only the multilateral regulations of this Convention are applicable.

Argentina is still committed to finding a solution to this issue. To this effect, we carried out a scientific research cruise to Subarea 48.3, with the objective of studying *Dissostichus eleginoides* (Patagonian Toothfish) and *Champsocephalus gunnari* (Ice Fish) populations, the results of which were already presented in the WG-FSA and the

Scientific Committee this year. In this regard, we would like to inform all Members that, based on this experience, we will begin work on a new follow-up expedition.

We urge all Members to work in good faith and cooperatively in order to readopt Conservation Measure 41-02 and therefore allow legal fishing for toothfish in this Subarea, complying with the provisions of the CAMLR Convention.'

7.13 China expressed its support for the Russian and Argentinian statements and noted that CCAMLR is an international body with a conservation objective and the manner in which the Commission addresses this issue is a test of the will of the Commission to take the appropriate action in fulfilling its mandate.

7.14 Brazil recalled its statement at SCIC-2023 (SCIC-2023, paragraph 149) and reiterated that unilateral action will not solve the issue and that a multilateral solution is important.

7.15 Uruguay understands as a general principle that in the absence of a conservation measure adopted by the Commission, fishing should not occur.

7.16 Ukraine recalled its position at SCIC-2023 (SCIC-2023, paragraph 146) reiterating that Russia has taken political action to block the toothfish fishery in Subarea 48.3, pushing it from CCAMLR's responsibility to a bilateral issue.

7.17 The UK noted that the situation regarding the toothfish fishery in sub-area 48.3 had been provoked by Russia blocking agreement of a scientifically derived catch limit. The UK referred to its statement at SCIC-2023 (SCIC-2023, paragraph 150), repeating that the UK entirely refutes the assertion that vessels operating under licence by the Government of South Georgia and the South Sandwich Islands in waters over which the UK has sovereign rights can be characterised as IUU. The UK affirmed its view that its actions are entirely consistent with Article IV of the Convention. With respect to CM 31-01, in particular, the UK referred to its statement at SCIC-2023 (SCIC-2023, paragraph 93), repeating its rejection of the assertion that the fishery is being operated in contravention of CM 31-01.

7.18 Norway recalled its position at SCIC-2023 (SCIC-2023, paragraph 151) and noted that it is the Commission, rather than any one Member, that has failed to do what CM 31-01 calls for. Norway reiterated that, while regrettable, this failure does not lead to a prohibition against the operation of the fishery in subarea 48.3. In Norway's view, such a prohibition cannot be found, explicitly or implicitly, in CM 31-01, and cannot be assumed to exist without clear language. Norway further noted its view that none of the provisions in the Convention may be interpreted as imposing a general prohibition against fishing, and that any such prohibition must instead be established by a conservation measure. In Norway's view, the purpose of conservation measures is to add an additional regulatory layer, rather than to permit something that would otherwise be illegal under the Convention. Norway underscored that its assessment of the case concerning the question of 48.3 is exclusively based on a legal assessment of the relevant obligations under CCAMLR.

7.19 South Africa expressed its continued commitment to the CCAMLR objective and noted that SCIC did not reach consensus for the removal of the *El Shaddai* from the CP-IUU Vessel List. South Africa noted that its initial request to remove the vessel per CM 10-06, paragraph 14 (ii), would require effective action having been taken in relation to the IUU activity. However, South Africa recognised that the decision by the Director of Public Prosecutions to

not proceed with a prosecution of the vessel, did not meet the expectations for a delisting under this provision. South Africa thanked the Members who discussed the delisting with them and noted that it will work on the application for delisting in the intersessional period and will report to CCAMLR-43 on the measures it has taken consistent with CM 10-06, paragraph 14 (iv) to demonstrate that South Africa has implemented sufficient measures to ensure the vessel will not undertake IUU fishing activities in the future.

7.20 There was no consensus to include the *Argos Georgia*, *Argos Helena* and *Nordic Prince* on the CP-IUU Vessel List or to remove the *El Shaddai* from the CP-IUU Vessel List. The Commission noted that the CP-IUU Vessel List remains unchanged for 2023/2024.

CCAMLR Compliance Report

7.21 The Commission considered the Provisional CCAMLR Compliance Report as per CM 10-10, paragraph 3, as presented in SCIC-2023, Appendix I. The Commission noted that the Provisional CCAMLR Compliance Report contained 49 compliance issues for review and that the CCEP analysis reflected an overall high rate of compliance across conservation measures.

7.22 The Commission noted that SCIC had extensive discussions on the CCEP analysis process and the engagement of Members in the process, particularly in relation to a request to include in the CCEP the three UK-flagged vessels that fished in Subarea 48.3 during the reporting period. The Commission noted that in response to this matter SCIC endorsed changes to CM 10-10 to clarify the process and timing for Members to submit information to the Secretariat for inclusion in Draft CCAMLR Compliance Reports. The Commission also noted the recommendation from SCIC to amend CM 10-10 to add a new compliance status of 'No consensus reached'.

7.23 Russia recalled that CM 10-10 calls for the evaluation of compliance with all conservation measures in force and expressed its concerns that when three vessels which were non-compliant with CM 31-01 these vessels had not been included in the CCEP report. Russia further expressed its concerns that this omission demonstrated a violation of CM 10-10 and its concern for the precedent it could set.

7.24 Argentina recalled its statements at SCIC-2023 (SCIC-2023, paragraphs 91, 92 and 95) and noted that whilst it was disappointed that the vessels were not included in the CCEP report it was content that a revision to CM 10-10 was proposed to address their concerns on process.

7.25 Ukraine recalled its statement during the discussion on the CP-IUU Vessel list and noted its opinion that no compliance conclusion can be reached in this situation.

7.26 The Commission considered the Provisional CCAMLR Compliance Report and adopted the final CCAMLR Compliance Report.

Notifications

7.27 The Commission considered the summary of fishery notifications submitted for the 2023/24 season (CCAMLR-42/BG/08 Rev. 1), noted SCIC's discussion on the matter and its endorsement of all notifications except those for the Russian-flagged *Yugo Vostok 5* and the Namibian-flagged *Helena Ndume* which were referred to the Commission for further consideration (SCIC-2023, paragraphs 161 to 167).

7.28 Namibia expressed its thanks to the Secretariat and those Members who offered support during the process of submitting their fishery notification for fishing activities for the *Helena Ndume* in Subareas 88.1 and 88.2, noting that this is the first time Namibia has done so in fifteen years. Noting their limited technical experience and skills, Namibia sought leniency from the Commission and requested the notification be approved, declaring their commitment to fulfilling the objectives of the Convention.

7.29 South Africa and China supported approval of Namibia's notification for the *Helena Ndume*, given all required information has been provided.

7.30 Australia thanked Namibia for providing this information, however noted that some of the information provided on June 1 appeared to be out of date. Australia highlighted the information that required updating, which included the name of the vessel on the CCAMLR website, the details of the VMS installation, and other inconsistencies concerning the identifying details of the vessel (external markings, IMO number, photos, etc).

7.31 Russia recognised the difficulties presented in providing notifications under CM 10-02 in respect to the information contained in vessel licenses. Russia noted that there are provisions in CM 10-02 to allow the Flag State of the notifying vessel to update data as needed, which would include those discrepancies raised for Namibia's notification by Australia. Russia further noted the need to ensure a general understanding between Parties to ensure flexibility where required and stated that it would not be blocking this notification on this basis.

7.32 Namibia thanked Australia for their engagement and guidance and confirmed that the VMS unit on the *Helen Ndume* had been installed and is fully operational, and the vessel information on the CCAMLR website had been updated.

7.33 The Commission thanked Namibia for working with Members and addressing the concerns in a timely manner. The Commission endorsed the notification.

7.34 Korea noted the discussions regarding Namibia's late submission of the VME impact assessment and urged the Commission to consider whether the submission of this should remain mandatory in the future noting that the Scientific Committee does not review the contents. Additionally, Korea urged the Commission to consider capacity building opportunities be made available between the Secretariat and Members wishing to notify for exploratory fisheries, noting that CCAMLR's conservation measures can be complex to understand and implement and assistance in the future may prevent scenarios such as Namibia's late submission of VME impact assessment form reoccurring.

7.35 Russia expressed its concern that there were no objective grounds to contend that the *Yugo Vostok 5* cannot be notified.

7.36 Russia recalled its previous statements regarding notifications of the UK-flagged vessels *Argos Georgia*, *Argos Helena* and *Nordic Prince* that had been recommended to the Provisional CP-IUU Vessel List in 2022. Russia further noted that the mentioned vessels benefitted from illegal activity in Subarea 48.3 and could not be notified to fish in the CCAMLR Convention Area.

7.37 The United Kingdom referred to the concerns it had set out in SCIC 2023, paragraph 164, with respect to the Russian notification. Based on the history it had set out, the UK was not satisfied that Russia would exercise sufficient control over the notified vessel, such that it could be confident that the vessel will comply with the Convention and the Conservation Measures adopted under it.

7.38 The United Kingdom further noted that Russia had blocked the participation of UK vessels in the fishery last year, and that the vessels therefore did not fish. The UK noted that there was no consensus that the vessels have violated any Conservation Measures, and that there was no basis for Russia's continued blocking of their participation in the Ross Sea fishery, where they have a long track record of operating and contributing consistent and verified information for CCAMLR's management of the fishery.

7.39 Some Members recalled the discussion during SCIC (paragraph 165) noting that they had expected responses from Russia describing follow-up investigations on the compliance issues raised previously in relation to the *Palmer*, amongst other issues, and this has raised doubts on Russia's ability to exercise proper control of its vessels. Some Members welcomed assurances from Russia that the notified vessel will comply with CCAMLR conservation measures and will provide updates as necessary. Some Members recalled many Members' frustrations that a catch limit for Subarea 48.3 could not be agreed again this year.

7.40 Russia noted that it has not received the raw data it has requested from a Member to complete their investigation, adding that it has taken flag State action regarding the *Palmer* by not granting it licences to participate in CCAMLR fisheries.

7.41 New Zealand recalled that the *Palmer* was included on the Provisional CP-IUU Vessel List for consideration at CCAMLR-38, and that its inclusion on the CP-IUU Vessel List wasn't agreed and the notifications for the 2020/21 season were not opposed.

7.42 The Commission discussed the issue of all of the notifications made for the fisheries in Subareas 88.1 and 88.2.

7.43 Korea made the following statement:

'Individual notifications were submitted individually, and the exploratory fishing in the Ross Sea area is not a joint operation among the notified members. Therefore, Individual notifications should be considered individually. There is not a single reason for the entire notifications to be addressed as a package. CCAMLR CMs do not require fishery notification to be "approved" by the Commission if the vessel has been successfully notified and does not have any serious compliance or science concerns. The Commission agreed to the precautionary catch and by-catch limits for SSRUs 88.1 and 88.2, and considered SCIC recommendations on the notified vessels. CCAMLR's work must be rule-based, science-based and predictable in this sense. Individual members have worked very hard to have their vessels notified and some vessels, including

Korea's have had zero compliance issues over the last two years. There is no reason for successfully notified fishing vessels not to undertake exploratory fishing in these areas following the SC recommendations and the Commission's endorsement thereof. An all-or-nothing approach to fishery notifications is not acceptable, as it serves no purpose that serves the Commission. There is no reason or rule for a single paragraph to be tied to the other provisions in any CMs.'

7.44 The United Kingdom made the following statement:

'We reject the assertions made by Russia. Recalling our previous statements on this subject, there will be no agreement that the toothfish fishery in subarea 48.3 can be considered in any way IUU. The UK is acting in accordance with our rights set out in the Convention. There is a clear pattern of Russia not complying with Conservation Measures and Russia has failed to sanction or provide reports on actions taken by Russia to the Commission. The UK agrees with the interpretation of Korea and the EU on the status of CM 41-09 and CM 41-10. We recall that last year Russia blocked the UK vessel notifications for the Ross Sea. The UK did not hold the entire Ross Sea toothfish fishery to ransom. We did not fish in the Ross Sea, and we did not disrupt the Ross Sea fishery for other Members. This is not a horse trade – we accept that the UK vessel notifications are being blocked by Russia and would reluctantly accept Conservation Measures that do not include the UK. However, in regard to our position on the Russian toothfish notification, we stand firm.'

7.45 COLTO made the follow statement:

'COLTO has 47 members across 15 countries. 19 of the 27 vessels nominated to fish the Ross Sea next season are COLTO Member vessels. COLTO Members have operated in the Ross Sea since 1998, fully supporting and underpinning the scientific requirements of CCAMLR whilst constantly improving the environmental and safety standards of toothfish fishing, while also providing practical innovations to address impacts created by fishing activities.

We remind the Commission that COLTO members provide the most effective eyes on the water and aides to global intelligence which has helped to practically eliminate IUU fishing in the Convention Area. Further, COLTO has worked hard to ensure that toothfish fisheries, both inside and outside the Convention Area are sustainable and underpinned by world leading science programs, much of which is funded directly through our members. This strong investment in science, as well as our collaborative approach with all stakeholders has resulted in 7 of the 9 major toothfish fisheries being certified as sustainable and well managed by the Marine Stewardship Council. This includes the Ross Sea fishery.

If the Ross Sea fishing season does not go ahead next season, the impact of the loss of scientific data collection by so many vessels, over such a wide area, leaves the CCAMLR Scientific Committee and its working groups with a major issue. It also leaves hundreds of fishermen without jobs. No fishing in the Ross Sea, in our opinion, will be seen as a failure of CCAMLR to uphold the spirit of the Convention. We would remind the Commission, that if there are no legal vessels operating in the Ross Sea, it will provide opportunity for IUU operators to fill that void.'

7.46 The Commission agreed that it would adopt, as this meeting, conservation measures for 88.1 and 88.2. Members considered that not adopting CMs 41-09 and 41-10 would have major implications for the integrity of the Antarctic Treaty System, with implications for the income to the Secretariat from the reduction in notification fees, knock-on effects on employment and trade flows, legal action by operators, and possibly other consequences that cannot yet be anticipated.

7.47 The Commission agreed that the only issue remaining under consideration was the notifications of some Members to participate in the fishery. The Commission noted that exchanges were had about the extent to which consideration of participation should be strictly limited to the notified vessels or whether it should extend to consideration of the ability of the Flag State to control its vessels. The Commission noted there was no agreement on this issue which was seen as a matter of principle by some Members. The Commission noted that Members were asked to provide assurances about their ability and willingness to control or restrict the activities of their vessels but again no agreement could be reached.

7.48 The Commission noted that CM 21-02 does not require the Commission to take a decision on the notifications, but rather, requires Members to ensure that their notified vessels meet all requirements.

7.49 The Commission agreed to delete the first paragraph of the conservation measures for the exploratory fisheries for *Dissostichus mawsoni* in Subareas 88.1 and 88.2. The revised conservation measures 41-09 (2023) and 41-10 (2023) were adopted. The Commission noted that the adoption of Conservation Measures 41-09 and 41-10 without the access paragraph does not set a precedent.

Implementation of the CDS

7.50 The Commission noted that SCIC reviewed the circumstance of Spain's issuance of a SVDCD (COMM CIRC 23/105) and noted that no further action is necessary.

7.51 The Commission noted the consideration by SCIC of the current cooperating status granted to Mexico as per CM 10-05, Annex 10-05/C, paragraph C9 (SCIC-2023, paragraph 8). The Commission agreed that Mexico maintain their cooperative status with CCAMLR and noted that Members and the Secretariat have still not made progress in engaging with Mexico to facilitate the implementation and application of the CDS.

7.52 The Commission noted that limited access to the CDS for the purpose of verifying export/re-export documents accompanying imports of *Dissostichus* spp. and issuing re-export documents had recently been granted to the Kingdom of Thailand (COMM CIRC 23/104) and the Republic of Colombia (COMM CIRC 23/112).

CDS Fund Expenditure

7.53 The Commission noted the Catch Documentation Scheme for *Dissostichus* spp. (CDS) Fund Review Panel was convened to consider a proposal from the Secretariat (CCAMLR-42/14) for the expenditure of A\$80 000 over two years (2024 and 2025) from the

CDS Fund. The CDS Fund Review Panel was chaired by the United Kingdom and consisted of representatives from Argentina, Australia, France, Korea, New Zealand the United States of America.

7.54 The Commission endorsed the recommendation of SCIC to adopt the proposal for expenditure from the CDS Fund and reaffirmed its desire to hold an in-person workshop in 2024 or 2025 focused on CDS and port inspection processes to support CDS, as approved in 2021 with the previously agreed budget of A\$100 000. The Commission thanked South Africa for reiterating its interest in hosting this workshop.

Vessel inspection implementation

7.55 The Commission noted the report on the vessel inspection implementation report (CCAMLR-42/16). The Commission endorsed the recommendations for the Secretariat to:

- (i) develop a project plan for the development of port inspection electronic reporting systems and different modalities to be presented at SCIC 2024
- (ii) review the current inspector resources and develop a project plan to improve the accessibility and content of inspector resources to be presented at SCIC-2024.

7.56 The Commission thanked Chile for the at-sea inspections undertaken during the 2022/23 season, noting that this inspection activity benefits the entire CCAMLR Membership and is important in combating IUU fishing activities in the Convention Area.

Vessel Monitoring System implementation

7.57 The Commission noted the report on the implementation of the vessel monitoring system (VMS) (CCAMLR-42/11). The Commission endorsed the recommendations of SCIC for the:

- (i) Search and rescue (SAR) arrangements to be reviewed and renewed with each of the five maritime rescue coordination centres (MRCCs) (Argentina, Australia, Chile, New Zealand and South Africa) (SCIC-2023, paragraph 32)
- (ii) Secretariat to review the hosting options of CCAMLR's CLS Themis VMS system as well as the associated provisions of CM 10-04, Annex B, and provide the results of the review and proposals for improvement to SCIC-2024 (SCIC-2023, paragraph 36).

7.58 Consensus could not be reached for the revision of CM 24-01, paragraph 5, to require vessel movement notifications for vessels undertaking research fishing under CM 24-01 (SCIC-2023, paragraph 33) and to eliminate support for direct reporting to the Secretariat by INMARSAT VMS units (SCIC-2023, paragraph 35).

Promotion of compliance

7.59 The Commission noted SCIC's consideration of the revised tagging protocol (CCAMLR-42/08 Rev. 2), the report on the intersessional work on gear marking and unidentified gear (CCAMLR-42/22), and the update on the work to enhance the integration of compliance data and improve data processing systems (CCAMLR-42/BG/07).

7.60 The Commission endorsed the recommendations by SCIC for further work in respect of gear marking and unidentified gear as reported in SCIC-2023, paragraph 42.

Transshipment implementation

7.61 The Commission noted the report on the implementation of the notification system for transshipments within the Convention Area (CCAMLR-42/09).

Non-contracting Party Engagement Strategy

7.62 The Commission noted the report on the implementation of the NCP Engagement Strategy action plan for 2023-2024 (CCAMLR-42/BG/17). The Commission further noted the successful cooperation applications from Colombia and the Kingdom of Thailand (COMM CIRCs 23/104 and 23/112).

Proposals for new and revised conservation measures

Conservation Measure 10-02

7.63 The Commission noted that SCIC considered a paper from COLTO outlining the differences between automatic identification systems (AIS) and Automatic Radar Plotting Aids (ARPA) and recommending that CCAMLR remove the AIS mandate from CM 10-02 (CCAMLR-42/BG/31). SCIC did not reach consensus to recommend amendment of CM 10-02 to the Commission.

7.64 COLTO recalled SCIC-2023, paragraph 57, noting the reason for the inclusion of an AIS requirement agreed during SCIC-2022 was for collision avoidance in response to a particular at-sea incident, not for assisting with search and rescue operations.

Conservation Measure 10-03

7.65 The Commission noted the proposal by the Secretariat to include an alternative CCAMLR port inspection form to be used in conjunction with the Port State Measures Agreement (PSMA) inspection form.

7.66 The Commission noted that SCIC endorsed the proposal by the USA, Australia, and New Zealand during SCIC-2023 (CCAMLR-42/32) to require Contracting Parties to conduct

port inspections of all fishing vessels carrying species and products other than *Dissostichus* spp. that were harvested in the Convention Area, and for the addition of product codes for boiled, peeled and oil for krill to port inspection forms. The Commission further noted that SCIC endorsed a delayed implementation of the new requirement to allow Contracting Parties to build relevant capacity, along with a review of the conservation measure by the Commission in 2025 to consider an additional delay before it becomes applicable (SCIC-2023, paragraphs 60 and 61).

7.67 Consensus was not achieved to amend CM 10-03.

7.68 Some Members noted its disappointment that the Commission was unable to reach agreement on any changes to CM 10-03, after it appeared that there had been progress on their proposal and other technical improvements discussed in SCIC. Some Members reiterated that the inspections of all vessels carrying krill would have improved compliance monitoring and the transparency of trade in krill and krill products and these and other improvements need to be made, particularly as the Commission considers the management strategy for the Antarctic krill fisheries and to ensure that the operation of the krill fisheries is in accordance with the principles of conservation in Article II.

Conservation Measure 10-04

7.69 The Commission noted that SCIC considered and did not reach consensus on the proposal by the USA, Australia, Korea and New Zealand during SCIC-2023 (CCAMLR-42/29 Rev. 1) to require all Contracting Parties whose fishing vessels are operating in the Convention Area to submit VMS data to the Secretariat no later than one hour after receipt.

7.70 The Commission noted that SCIC had received information from the Secretariat regarding how real-time VMS data is used to improve the accuracy of forecasting of fishery closures (SCIC-23, paragraph 64). SCIC did not reach consensus on the proposal, and it was referred to the Commission for further consideration.

7.71 Russia noted that an analysis should be conducted to determine whether positioning data are related to the forecasting of fishery closures. Russia recalled issues that arise in the various fisheries, namely the potential for overfishing in toothfish fisheries, and some issues regarding similar matters for krill fisheries. Russia highlighted the importance of understanding the value of the vessel positioning system for forecasting toothfish fishery closures, however recalled that no conclusions are yet to be made regarding the impact of this on the late retrieval of gear.

7.72 Recalling the discussion in SCIC-2023, paragraphs 64 and 65, and noting that differences between the actual krill catch and the allowed catch limit in Subarea 48.1 since 2018/19 season were all within 5% except for once, China suggested that the using of real-time VMS data to improve forecasting accuracy of fishing area closures needs to be further evaluated.

7.73 Several Members noted their support for the proposal and highlighted the importance of real-time transmission of VMS data for monitoring of fishing activities, noting it is technically feasible and necessary to ensure effective management of AMLR. These Members noted their disappointment that the Commission could not reach consensus on the matter.

Conservation Measure 10-05

7.74 The Commission noted that SCIC did not reach consensus on the proposal by Korea to include an exception for the requirement for DCDs for scientific samples of *Dissostichus* spp. for scientific or research purposes and that Korea would continue discussion on this proposal in the intersessional period. Russia noted that this was a constructive proposal, but that more information was needed on the tracking of biological samples in the CDS.

7.75 The Commission requested the Secretariat undertake a review of what types of scientific samples are currently being declared in the CDS and to report this to CCAMLR-43.

Conservation Measure 10-09

7.76 The Commission noted that SCIC did not reach consensus to amend CM 10-09 to include the intended port of landing in transshipment notifications as identified in the Secretariat's summary of technical requirements to apply a catch documentation scheme to krill (CCAMLR-42/BG/03). The proposal was referred to the Commission for further consideration.

7.77 Russia stated that it could not accept the proposal.

7.78 Many Members expressed their disappointment that the proposal to amend CM 10-09 was not agreed. Many Members noted that collecting information on the intended port of landing, when known, will be one step towards CCAMLR gaining an understanding of where krill are taken following harvest or transshipments.

Conservation Measure 10-10

7.79 The Commission recalled the discussions of SCIC-2023 (SCIC-2023, paragraph 98) and endorsed an amendment of CM 10-10 to clarify the process and timing for Contracting Parties to provide input information for the Secretariat to compile Draft CCAMLR Compliance Reports. No consensus was reached to add the proposed new compliance status of "No consensus reached" to Annex 10-10/B for use in the CCEP.

Conservation Measures 21-01 and 21-02

7.80 The Commission noted that SCIC did not reach consensus on the EU's proposal to amend CM 21-01 to specify the requirement for a scientific observer to be on board for new fisheries and to amend CM 21-02 to specify that scientific observers should be appointed in accordance with SISO (CCAMLR-42/12) and had referred it to the Commission for further consideration.

7.81 Russia recalled the discussions of SCIC-2022 (SCIC-2022, paragraphs 49 to 51) and noted that it could not support the proposal.

7.82 The USA recalled discussions of SCIC-2023 (SCIC-2023, paragraph 70) and expressed its appreciation for the efforts undertaken by the EU to make consistent the CCAMLR observer

coverage requirements across conservation measures. The USA noted its support for the proposed changes to CMs 21-01 and 21-02.

Conservation Measure 23-05

7.83 The Commission endorsed the recommendation of SCIC for CM 23-05 to be retired (SCIC-2023, paragraph 71) and noting that the data reporting requirements within this measure have been superseded by other requirements, and that its removal would involve simple editorial changes to remove cross references to CM 23-05 in CM 24-01, Annex CM 41-01/A, CM 41-03, CM 41-04, CM 41-05, CM 41-06, CM 41-07, CM 41-09, CM 41-10, CM 41-11, CM 42-01, and Annex 51-04/A.

Conservation Measure 24-01

7.84 The Commission considered the Secretariat's proposal (CCAMLR-42/11) to require vessel movement notifications from vessels participating in research fishing conducted under CM 24-01. No consensus was reached on the proposed amendments.

Conservation Measure 31-02

7.85 The Commission noted that SCIC did not endorse the proposal by the Russian Federation to amend CM 31-02 to clarify the management procedures regarding the delayed retrieval of longline gear after the closure of fisheries (CCAMLR-42/20) and had referred it to the Commission for further consideration. The EU asked whether additional work was planned.

7.86 Russia recalled that it was unable to participate in SCIC-2023 and noted that it would continue to work on the proposal for consideration by the Commission in the future.

Conservation Measure 41-01

7.87 The Commission noted that following SCIC's consideration of the CCAMLR Compliance Report and the interpretation and application of CM 41-01, amendments were proposed by the EU to define the calculation of midpoints of a line for the assessment of CM 41-01 Annex B paragraph 5 (i), by Korea to clarify that Research Plans per CM 24-01 shall take precedence over the requirements of CM 41-01 Annex B paragraph 4, and by Australia to clarify the responsibility of vessels where safety issue arise of to prevent gear loss under CM 41-01 Annex B. The Commission noted that SCIC had endorsed the amendments for consideration by the Commission, but no consensus was reached on the proposed amendments by the Commission.

7.88 The Commission noted that, despite the lack of agreement on any of the proposed amendments to CM 41-01, CM 24-01 should be interpreted such that Research Plans in respect of CM 24-01 take precedence over the requirements in CM 41-01.

Conservation Measures 51-01 and 51-07

7.89 The Commission noted SCIC's review of Ukraine's proposal to amend CM 51-01 and 51-07 (SCIC-2023, paragraphs 78 and 79) and recalled its discussion on this proposal under agenda item 4 (see paragraphs 4.22 to 4.24).

Conservation Measure 51-06

7.90 The Commission noted that SCIC had considered the proposal from Australia, New Zealand, UK and the USA (CCAMLR-42/33 Rev. 1) to amend CM 51-06 to require at least one observer on every vessel to be appointed under SISO, and SCIC's related discussion on the differences between national observers and SISO observers (SCIC-2023, paragraphs 80 to 82). SCIC did not reach consensus on the proposal and referred it to the Commission for further consideration.

7.91 Some Members noted that the intent of the proposal was to provide for objectivity, neutrality, and greater consistency in the data collected on the different fishing vessels. They recognised the rigorous training and procedures for national observers who are deployed in CCAMLR fishing operations, but noted that the text of SISO, part B in particular, clearly reflects the fact that deployment of a SISO observer is pursuant to a bilateral arrangement between a designating Member and a receiving Member.

7.92 Russia noted the intent of the proposal but considered that the current requirements of CM 51-06 and the observers appointed to the vessels is appropriate. Russia further noted the qualification of the national observers allows them to collect all the necessary scientific data.

7.93 China noted that the national observer carries out the data collection work of SISO in addition to conducting research work which contributes to the work of the Scientific Committee. Korea noted that SISO would not allow for the tasking of additional research tasks and therefore the use of national observers is preferable. Korea further noted it is open to options on improving observations on krill vessels and would seek scientific analysis that would support the need to replace national observers with SISO observers. Korea and China confirmed that they could not support the current proposal.

7.94 No consensus was reached on the proposal.

7.95 Several Members noted the benefit of SISO observers and urged for the Commission to make further progress on this matter. In particular, the Commission's attention was drawn to SCIC-2023, paragraph 82.

7.96 ASOC thanked the proponents and noted that this amendment was one of a number of proposed amendments to conservation measures aimed at improving the management of CCAMLR's krill fisheries. ASOC reiterated it saw the proposed amendment of CM 51-06 as important and hoped Members would continue collaboration in the intersessional period to improve the proposal.

Proposal to establish an e-group

7.97 The Commission noted that SCIC considered the US proposal to establish an e-group to facilitate discussion and information sharing on relevant standards and best practice to improve vessel safety and standards for fair and decent working conditions for all crew aboard CCAMLR fishing vessels (CCAMLR-42/BG/26). The Commission noted that SCIC did not reach consensus on the proposal, and it was referred to the Commission for further consideration.

7.98 The US expressed its appreciation for the Members which supported the proposal and its desire to continue informal discussions in the intersessional period. The US recalled that a number of regional fisheries bodies have adopted measures on labour standards and the membership composition of these bodies overlaps with CCAMLR's.

7.99 China reiterated its objection to the proposal, noting that labour issues should be the responsibility of the relevant authorities, such as the International Labour Organization (ILO) or International Maritime Organisation (IMO), and that CCAMLR lacks a mandate to deal with labour issues in a compulsory manner based on the CAMLR Convention. China addressed that crew employment is a commercial enterprise activity, which should be conducted under the management of relevant international rules and domestic laws, and in accordance with commercial contracts. Russia, in support of China, noted that these issues did not align with CCAMLR's objective and that they would overburden the work of the Commission.

7.100 A number of Members expressed their support for the proposal noting the ad hoc Working Group of FAO/IMO/ILO, that resolutions have been passed previously by CCAMLR on safety issues (Resolution 23/XXIII) and the synergy on the issue between CCAMLR and the IMO and ILO. The UK noted the Commission owes a debt of gratitude to the crews on these vessels for their contribution to the work of the Commission, and that all Members should be aware of their wellbeing.

7.101 No consensus was reached to establish an e-group on this topic.

SCIC considerations of other business

7.102 The Commission noted that SCIC considered the proposal for a Code of Conduct for CCAMLR in-person and virtual meetings, workshops, working groups and events (CCAMLR-42/24 Rev. 1).

7.103 China noted that delegates to CCAMLR meetings operate as representatives of their respective governments and that in its view it was difficult to envisage how the Code of Conduct could be implemented. Russia expressed its view that an important part of the Code of Conduct should also be the equal opportunity for equal participation by all parties.

7.104 No consensus was reached to adopt the Code of Conduct (paragraphs 10.13 to 10.15). Many Members thanked the proponents for the proposal, cited experiences of challenging behaviours during previous CCAMLR meetings, and noted that it addressed issues of critical importance to the operation of CCAMLR.

7.105 Russia recalled COMM CIRC 23/111 and noted that it is Russia's view that the SCIC Report is a document with a pending status and that the Commission tried to the best of its ability to reach consensus on all matters. China supported the views expressed by Russia.

7.106 Many Members reiterated their positions that the SCIC report was adopted in accordance with its Terms of Reference, the Commission's Rules of Procedure and the Convention, noting that all parties were given opportunities to participate and that participation during the Commission meeting allowed all Members to be heard on these issues.

CCAMLR Scheme of International Scientific Observation

8.1 The Commission considered the discussions of the Scientific Committee with regard to the Scheme of International Scientific Observation (SISO) in SC-CAMLR-42, paragraphs 7.1 to 7.12.

8.2 The Commission noted that many of the Scientific Committee recommendations involved changes to data collection forms and instructions to observers, to clarify and detail methods and reporting requirements.

8.3 The Commission noted that the agreed increase in warp strike observation time (paragraph 4.111) would require an initial review after a period of data collection by the Scientific Committee, to ensure that the increase in observation coverage was fit for purpose.

8.4 The Commission further noted the work undertaken by the Scientific Committee to prioritise tasks for krill observers (SC-CAMLR-42, paragraph 7.7), and the undertaking by the Scientific Committee and its working groups to ensure effective data collection protocols are in place for future planned analyses (SC-CAMLR-42, paragraph 7.9).

Conservation measures

9.1 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-42 will be published in the Schedule of Conservation Measures in Force 2023/24.

9.2 The Commission noted that the following conservation measures and resolutions will remain in force for 2023/24:

Measures on compliance

10-01 (2014), 10-02 (2022), 10-03 (2019), 10-04 (2022), 10-05 (2022), 10-06 (2016), 10-07 (2016), 10-08 (2017) and 10-09 (2022).

Measures on general fishery matters

21-01 (2019), 21-02 (2019), 22-01 (1986), 22-02 (1984), 22-03 (1990), 22-04 (2010), 22-05 (2008), 22-06 (2019), 22-07 (2013), 22-08 (2009), 22-09 (2012),

23-01 (2016), 23-02 (2016), 23-03 (2016), 23-04 (2016), 23-06 (2022), 23-07 (2016), 24-02 (2014), 24-04 (2017), 26-01 (2022)

Measures on fishery regulation

31-01 (1986), 31-02 (2007), 32-01 (2001), 32-02 (2017), 32-18 (2006), 33-01 (1995), 51-01 (2010), 51-02 (2008), 51-03 (2008) and 51-06 (2019).

Measures on protected areas

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

Resolutions

7/IX, 10/XII, 14/XIX, 15/XXII, 16/XIX, 17/XX, 18/XXI, 19/XXI, 20/XXII, 22/XXV, 23/XXIII, 25/XXV, 27/XXVII, 28/XXVII, 29/XXVIII, 30/XXVIII, 31/XXVIII, 32/XXIX, 33/XXX, 34/XXXI, 35/XXXIV and 36/41.

9.3 The Commission **adopted** the following revised conservation measures:

Measures on compliance

10-10 (2023)

Revised measures on general fishery matters

21-03 (2023), 24-01 (2023), 24-05 (2023), 25-02 (2023), 25-03 (2023)

Revised measures on fishery regulation

32-09 (2023), 33-02 (2023), 33-03 (2023), 41-01 (2023), 41-03 (2023), 41-04 (2023), 41-05 (2023), 41-06 (2023), 41-07 (2023), 41-08 (2023), 41-09 (2023), 41-10 (2023), 41-11 (2023), 42-01 (2021), 42-02 (2023), 51-04 (2023) and 51-07 (2023).

9.4 The Commission **retired** the following conservation measure:

23-05 (2000)

9.5 The Commission made revisions regarding data reporting requirements resulting from the retirement of CM 23-05 to the following conservation measures: CM 24-01, paragraph 4(d) (i), CM 41-01, Annex A, paragraph 1, CM 41-03, paragraph 14, CM 41-04, paragraph 11, CM 41-05, paragraph 14, CM 41-06, paragraph 11, CM 41-07, paragraph 10, CM 41-09, paragraph 16, CM 41-10, paragraph 16, CM 41-11, paragraph 14, CM 42-01, paragraph 12, and CM 51-04, Annex A, paragraph 1.

Implementation and Compliance

9.6 The Commission considered the proposed revisions to CM 10-03 to include an alternative CCAMLR port inspection form to be used in conjunction with the Port State

Measures Agreement (PSMA) inspection form by the Secretariat (CCAMLR-42/16), and to require Contracting Parties to conduct port inspections of all fishing vessels carrying species and products other than *Dissostichus* spp. that were harvested in the Convention Area, and for the addition of product codes for boiled, peeled and oil for krill to port inspection forms by the USA, Australia, and New Zealand during SCIC-2023 (CCAMLR-42/32).

9.7 The Commission noted that there was no consensus on the proposals.

9.8 The Commission considered the proposed revision to CM 10-04 by the USA, Australia, Korea, New Zealand and the UK during SCIC-2023 (CCAMLR-42/29 Rev. 1) to require all Contracting Parties whose fishing vessels are operating in the Convention Area to submit VMS data to the Secretariat no later than one hour after receipt.

9.9 The Commission noted that there was no consensus on the proposal.

9.10 The Commission considered the proposal to revise CM 10-09 as identified in the Secretariat's summary of technical requirements to apply a catch documentation scheme to krill (CCAMLR-42/BG/03) to include the intended port of landing in transshipment notifications.

9.11 The Commission noted that there was no consensus on the proposal.

9.12 The Commission adopted a revision to CM 10-10 to clarify reporting dates for information related to compliance issues identified during the reporting period (CM 10-10, paragraph 1 (i) and (ii)).

9.13 The Commission considered the proposal by the Secretariat (CCAMLR-42/07 Rev. 2) to revise CM 10-10 to include a new compliance status of 'No consensus reached' to Annex 10-10/B for use in the CCEP.

9.14 The Commission noted that there was no consensus on the proposal.

General fishery matters

9.15 The Commission considered the proposal by the EU to revise CM 21-01 to specify the requirement for a scientific observer to be on board for new fisheries and to CM 21-02 to specify that scientific observers should be appointed in accordance with SISO (CCAMLR-42/27).

9.16 The Commission noted that there was no consensus on the proposal.

9.17 The Commission **adopted** a revision to CM 21-03, regarding reporting of seal and cetacean exclusion devices (CM 21-03, Annex 21-03/A).

9.18 The Commission considered the Secretariat's proposal) to revise CM 24-01 to require vessel movement notifications from vessels participating in research fishing conducted under CM 24-01 (CCAMLR-42/11).

9.19 The Commission noted that there was no consensus on the proposal.

9.20 The Commission **adopted** a revision to CM 24-05 which details fishing for research purposes pursuant to CM 24-01 (CM 24-05, Table 1).

9.21 The Commission **adopted** a revision to CM 25-02, regarding the definition of night (CM 25-02, paragraph 5).

9.22 The Commission **adopted** a revision to CM 25-03 to extend the trial of mitigation devices for krill fishing vessels who use a net monitoring cable.

Fishery regulations

9.23 The Commission considered the proposal by the Russia Federation to revise CM 31-02 to clarify the management procedures regarding the delayed retrieval of longline gear after the closure of fisheries (CCAMLR-42/20).

9.24 The Commission noted that there was no consensus on the proposal.

9.25 The Commission considered the proposal by the EU, for a new CM 32-XX to protect fish nests in the Convention Area (CCAMLR-42/21) to give effect to the recommendations of the Scientific Committee on this matter (SC-CAMLR-42, paragraphs 3.60 and 3.61). Some Members stated that they could not support the proposal, noting that further work was needed in the Scientific Committee to refine the review process for opening and closing fish nest areas to bottom fishing activities.

9.26 The Commission noted that there was no consensus on the proposal.

Exploratory fisheries

9.27 The Commission considered the proposed revisions to CM 41-01:

- (i) by the EU, to clarify how the midpoints of line should be calculated for the assessment of CM 41-01, Annex B, paragraph 5 (i);
- (ii) by Korea, to clarify that Research Plans per CM 24-01 shall take precedence over the requirements of CM 41-01, Annex B, paragraph 4; and
- (iii) by Australia, to recognise situations where vessels abort research hauls to secure vessel or crew safety and prevent gear loss under CM 41-01, Annex B.

9.28 The Commission noted that there was no consensus on these proposals.

Toothfish catch limits

9.29 The Commission **endorsed** the advice of the Scientific Committee on catch limits in the fisheries for *D. eleginoides* in Subarea 48.4 and adopted CM 41-03 (2023).

9.30 The Commission **endorsed** the Scientific Committee's advice on catch limits (SC-CAMLR-41, Tables 4 and 5). The Commission adopted the following conservation measures for fisheries targeting *D. mawsoni* and/or *D. eleginoides*:

CM 41-04 – exploratory fishery for *D. mawsoni* in Subarea 48.6

CM 41-05 – exploratory fishery for *D. mawsoni* in Division 58.4.2

CM 41-06 – exploratory fishery for *D. eleginoides* in Division 58.4.3a

CM 41-07 – exploratory fishery for *D. mawsoni* in Division 58.4.3b

CM 41-08 – fishery for *D. eleginoides* in Division 58.5.2

CM 41-11 – exploratory fishery for *D. mawsoni* in Division 58.4.1.

9.31 The Commission did not reach consensus on the issue of notifications with regard to paragraph 1 in CMs 41-09 and 41-10. The Commission **endorsed** the Scientific Committee's advice on catch limits (SC-CAMLR-42, paragraphs 4.93 to 4.96) and **adopted** the measures without Members and number of vessels notified listed in these CMs.

9.32 The Commission noted that the adoption of CMs 41-09 and 41-10 without the access paragraph does not set a precedent. The Commission further noted that the paragraph numbering for these CMs deliberately begins at paragraph 2, to ensure cross references between CMs remain intact. The Commission **agreed** that a note would be included in the Schedule of Conservation Measures in Force 2023/24 stating that paragraphs 1 of CM 41-09 (2023) and CM 41-10 (2023) are intentionally left blank.

9.33 There was no consensus that directed fishing for *D. mawsoni* shall take place in 2023/24 in Division 58.4.1. Accordingly, the Commission adopted CM 41-11 which provides that directed fishing for *D. mawsoni* shall not take place in 2023/24 in Division 58.4.1.

Icefish catch limits

9.34 The Commission endorsed the Scientific Committee's advice on the limits for the fishery for *C. gunnari* in Subarea 48.3 and adopted CM 42-01 (2023).

9.35 The Commission endorsed the Scientific Committee's advice on the limits for the fishery for *C. gunnari* in Division 58.5.2 and adopted CM 42-02 (2023).

Krill fisheries

9.36 The Commission considered the proposal from Australia, New Zealand, UK and the USA (CCAMLR-42/33 Rev. 1) to revise CM 51-06 to require at least one observer on every vessel to be appointed under SISO.

9.37 The Commission noted that there was no consensus on the proposal.

9.38 The Commission agreed a rollover of CM 51-07 for one year and adopted CM 51-07 (2023).

Other fishery matters

9.39 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 exclusive economic zone (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.

Administration and Finance

10.1 The Chair of SCAF, Ms S. Langerock (Belgium), presented the report of SCAF-2023 (Annex 7).

10.2 The Commission endorsed the advice of SCAF and accepted the Audited Financial Statements for 2021 and 2022 (SCAF-2023, paragraphs 4, 5 and 6).

10.3 The Commission welcomed the report of the Executive Secretary (CCAMLR-42/05) and endorsed that the Secretariat, in cooperation with the Government of Australia, pursue continuation of the lease on 181 Macquarie Street, Hobart, for the period 2025–2030.

10.4 The Commission adopted the changes to the Staff Regulations contained in Annex B of CCAMLR-42/05 with the addition of changes to gender-neutrality (SCAF-2023, paragraph 11).

10.5 The Commission endorsed the decisions of the General Capacity Building Fund Panel and the recommendations from SCAF regarding capacity building (SCAF-2023, paragraphs 17 to 21).

10.6 The SCAF Chair thanked those members of the General Capacity Building Fund panel (GCBF) that had completed their service and welcomed nominations for new members. The Commission appointed Ms S. Carney (Australia), Prof. P. Koubbi (France), Dr A. Makhado (South Africa), Ms A. Camilli (Uruguay) and Dr R. Cavanagh (UK) to the GCBF Panel.

10.7 In relation to the final payment for the Uruguay GCBF grant, the Commission agreed to the procedure recommended in SCAF-2023, paragraph 16, consistent with Rule 7 of the Rules of Procedure, that the final report should be circulated to the Commission subject to 45 days' response from Members.

Review of the 2023 budget, the 2024 budget and forecast budget for 2025

10.8 The Commission endorsed the recommendation from SCAF that the minimum level of funding for the Working Capital Fund (WCF) be reduced to A\$1 350 000 and this balance be frozen for a period of four years, when the next scheduled review of the WCF should be undertaken. The Commission adopted the changes to the Financial Regulations shown in paragraph 37 of the SCAF report.

10.9 The Commission recognised the need to consider increased cost recovery for fisheries management and other administrative activities to ensure financial sustainability of the General Fund (SCAF-2023, paragraph 46). It requested the Intersessional Correspondence Group (ICG) on Sustainable Finance to continue its work to identify sustainable financing options in 2024 and provide a proposal to CCAMLR-43.

10.10 China reiterated its view expressed in SCAF-23, paragraph 41, that all three elements of funding – notification fees, fishing component of contributions and the equal share of the contribution – should increase in parallel.

10.11 Russia confirmed that it shares the views expressed at SCAF (SCAF-2023, paragraph 48) that zero nominal growth should be adhered to as much as possible.

10.12 The Commission adopted the revised 2023 budget, the 2024 budget as amended by SCAF, and the forecast budget for 2025 (SCAF-2023, Appendix I and Appendix II).

Administration matters

10.13 The Commission considered (CCAMLR-42/24 Rev. 2), which presented a draft Code of Conduct for CCAMLR events, and thanked the proponents for their work noting that SCAF recommended its adoption.

10.14 Most Members expressed strong support for the adoption of the draft Code of Conduct, which set standards for behaviour to enable all attendees to have safe and respectful experiences at CCAMLR events. Those Members welcomed the significant amount of work undertaken by the proponents and participants in the intersessional e-group. They considered that the development of a Code of Conduct was timely and appropriate and encouraged its adoption as a positive signal of the kind of behaviour Members expect when conducting CCAMLR's work. They noted that it was not uncommon for international bodies to adopt a Code of Conduct. They noted that SCAF agreed to adopt the Code following some revisions to expand the remit of reporting and remediation processes to all CCAMLR events, not just those held in Australia. They recalled it is not uncommon for international organisations to agree behaviour-setting guidelines.

10.15 Some Members could not support the proposed Code of Conduct because how some elements of the code would be implemented was unclear particularly considering the legal nature of the Commission and compliance matters. One Member emphasised urgency to enhance compliance with fundamental obligations established in the Convention and the Headquarters Agreement considering that one delegation was subject to discrimination regarding its right to participate at the meetings due to visa issues.

10.16 The Commission encouraged that further work continue intersessionally.

Other Business

10.17 The Commission thanked Ms. Stephanie Langerock the Chair of SCAF for her excellent chairing and guidance of its work over the last four years.

10.18 The Commission noted that SCAF does not have a Chair or Vice-Chair and was seeking expressions of interest. The Chair thanked Argentina for kindly offering to convene the ICG in the absence of a Chair or Vice-Chair.

10.19 China made the following statement:

‘China emphasised that it made a statement, at the final meeting of SCAF dated 20 October 2023, to reserve its position on the adoption of the report by SCAF, taking into account that a Commission Member is unable to participate in the meetings of SCAF in the first week of CCAMLR-42 due to an unprecedented situation that no visa was granted to the whole delegation of this member. In cases where a draft report of SCAF did not include inputs and positions of all Commission members, this draft report should be kept pending, recalling that the CAMLR Convention and its Rules of Procedures require a consensual decision on matters of substance.

China further indicated that in its statement of 20 October 2023 at SCAF, it also shared with SCAF colleagues that the issue on the participation of a member in the CCAMLR-42 meetings was under discussion in the Heads of Delegation meetings for the time being and the Commission would conduct further discussions in the second week of CCAMLR-42. Against this background, China reaffirmed its reservation on the draft report of SCAF and the draft reports of SCIC and the Scientific Committee.

China expressed its disappointment that the aforementioned statement was not included in the draft report of SCAF to the Commission.’

10.20 Russia noted that, in its opinion, Russia was denied the opportunity to attend SCAF due to the late issuance of visas by Australia and that decisions were made without consensus (see also paragraph 7.2).

10.21 Some Members reiterated that the SCAF report was adopted in compliance with the Convention and Rules of Procedure and reflected the advice of the Members present.

Cooperation with the Antarctic Treaty System and international organisations

Cooperation with the Antarctic Treaty System

11.1 The Commission noted CCAMLR-42/BG/05, submitted by the Executive Secretary, which presented a summary report of the Forty-fifth ATCM held in Helsinki, Finland, from 30 May to 8 June 2023. The Commission thanked the Executive Secretary and reaffirmed the importance of the collaboration between CCAMLR and the ATCM.

11.2 The ATS informed the Commission of its next meeting which will be held in Kochi, India, from 20 to 30 May 2024, and highlighted the convening of a new working group focused on tourism.

Cooperation with international organisations

Reports of observers from international organisations

11.3 The Commission noted CCAMLR-42/BG/27, submitted by ARK, which presented recommendations for improving safety and transparency in the krill fishery, including a proof of concept using AIS data to monitor encounter events between fishing and cargo vessels which could provide a valuable mechanism for verifying transshipment events within CCAMLR fisheries.

11.4 The Commission noted SC-CAMLR-42/BG/10, submitted by ARK, which presented the activities conducted by ARK vessels in support of the revised krill fishery management approach. ARK also highlighted Sea Shepherd's presence with one vessel in fishing grounds last summer. Although their conduct at sea did not put in danger any krill fishing vessel, ARK was concerned about the precedent this action sets within CCAMLR by taking on a role as private patrol vessel, independent of CCAMLR System of Inspection and SISO, implying that the krill fishery management is neither adequately regulated nor controlled. ARK suggested to the Commission that it address the issue of safety at-sea and take actions to ensure that all vessels in the vicinity of fishing ground have the required flag state and Antarctic sailing permits.

11.5 The Commission expressed concern over the reported incident, noted the Scientific Committee's consideration (SC-CAMLR-42, paragraph 2.8), and noted that Antarctic Treaty Members whose vessels operate in Antarctica should ensure that such vessels have the appropriate national permits to operate in Antarctica.

11.6 ACAP thanked the Commission for its invitation to attend CCAMLR-42 as an Observer and noted it valued the long-standing cooperation with CCAMLR. It welcomed the positive response by the Commission to the recommendations from the Scientific Committee in relation to mitigation and monitoring of seabird by-catch, including priorities for observers. ACAP welcomed CCAMLR's commitment to working with ACAP to continue to update best practice advice in relation to seabird by-catch mitigation. ACAP commented that there was ample scope for cooperation between ACAP and CCAMLR Members in promoting seabird by-catch mitigation in other international organisations. ACAP noted that the review of best practice is an ongoing process to which all can contribute.

11.7 The Commission noted SC-CAMLR-42/BG/13, submitted by ASOC, which presented its annual report to CCAMLR, highlighting papers submitted to CCAMLR-42 addressing issues that include the management of the krill fishery, the designation of MPAs, the relationship between conservation and fishing, the conservation of whales and vessel management.

11.8 The Commission noted SC-CAMLR-42/BG/30, submitted by SCAR, which presented its annual report, providing information on recent and future activities of relevance to the Scientific Committee and the Commission. SCAR highlighted its initiatives, networks and research programs, including Ant-ICON, INSTANT, AntClimNow, AnMAP, AWHN, SKEG,

ICED, SOOS and SCAR's Antarctic Environments Portal (www.environments.aq). It also noted the incoming SCAR Open Science Conference scheduled for 19 to 23 August 2024, in Pucón, Chile. SCAR also noted the establishment of a Decade Collaborative Centre for the Southern Ocean as part of the UN Decade of Ocean Science, and the announcement by SCAR and the International Arctic Science Council of their intent to collaborate and participate in the Fifth International Polar Year in 2032-33.

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

11.9 The Commission noted the following background papers summarising the main outcomes of meetings of other organisations of interest to CCAMLR:

- (i) CCAMLR-42/BG/12 – Report from CCAMLR Observer (EU) to the 45th annual meeting of the Northwest Atlantic Fisheries Organization (NAFO) (Vigo, 18 to 22 September 2023).
- (ii) CCAMLR-42/BG/23 – Report from the CCAMLR Observer (Australia) to the 6th Special Session (Mombasa, Kenya, 3 to 5 February 2023) and the 27th Annual Meeting of the Indian Ocean Tuna Commission (IOTC) (Mauritius, 8 and 12 May 2023).
- (iii) CCAMLR-42/BG/28 – Report from the CCAMLR Observer (EU) to the 10th Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement (SIOFA) (Balaclava, Mauritius, 3 to 7 July 2023).
- (iv) CCAMLR-42/BG/29 – Report from the CCAMLR Observer (USA) to the 23rd Special Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) (Hybrid format, 14 to 22 November 2022).
- (v) CCAMLR-42/BG/32 – Report by CCAMLR Observer (Norway) on the 41st Annual Meeting of the North-East Atlantic Fisheries Commission (NEAFC), (London, England, 15 to 18 November 2022).
- (vi) CCAMLR-42/BG/33 – Report from the CCAMLR Observer (New Zealand) to the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) on the key issues from the 30th annual meeting (Busan, Korea, 9 to 12 October 2023).

11.10 The Commission considered the calendar of 2023/24 meetings of organisations or arrangements with nominated observers for the Commission (as provided in CCAMLR-42/BG/02 Rev. 1). The table was modified to specify nominated observers (Table 1).

Administrative matters

Election of officers

12.1 The Commission thanked Argentina for its service as Vice-Chair of the Commission from 2020 to 2023.

12.2 The Commission elected Belgium to the position of Vice-Chair for 2024 and 2025.

12.3 The Commission expressed their sincere gratitude to Dr Dirk Welsford for his significant contribution as the chair of the Scientific Committee over the past four years and welcomed Dr César Cárdenas as the new Chair.

12.4 The Commission encouraged Members to consider nominations for Chair and Vice-Chair of SCAF and Vice-Chair of SCIC.

Invitation of observers

12.5 The Commission will invite the following to attend the Forty-third Meeting of the Commission as Observers:

- (i) non-Member Contracting Parties – Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Islamic Republic of Pakistan, Republic of Panama, Peru and Vanuatu
- (ii) other States in dialogue with CCAMLR – Indonesia and Luxembourg
- (iii) NCPs trading in re-exported *Dissostichus* spp. that has not been previously landed in the port of a Contracting Party or NCPs cooperating with CCAMLR by participating in the CDS, who are cooperating with CCAMLR through limited access to the e-CDS – Colombia, Mexico, Singapore and Thailand
- (iv) NCPs not participating in the CDS but possibly involved in harvesting, landing and/or trade of toothfish in accordance with the NCP Engagement Strategy – Cambodia, Dominican Republic, Indonesia, Kuwait, Malaysia, Republic of the Maldives, Republic of the Philippines, Qatar, Saudi Arabia, Türkiye, United Arab Emirates and Viet Nam
- (v) NCP Flag States of vessels listed on CCAMLR NCP-IUU Vessel List – Republic of Angola, The Gambia, Islamic Republic of Iran, Nigeria and Togo.

12.6 The following intergovernmental organisations will be invited to attend CCAMLR-43 as Observers: ACAP, ATS, CCSBT, CEP, CITES, COMNAP, CPPS, FAO, IATTC, ICCAT, IOC, INTERPOL, IUCN, IWC, RPOA-IUU, SCAR, SCOR, SEAFO, SIOFA, SOOS, SPRFMO, UNEP and WCPFC.

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

Next meeting

12.8 The Commission confirmed that CCAMLR-43 will take place in person at the CCAMLR Headquarters building (181 Macquarie Street) in Hobart, Australia, and set dates from 14 to 25 October 2024 subject to paragraphs 12.9 to 12.11 for further approaches, and decisions, if needed.

12.9 The Commission agreed that the CAMLR Convention shall be applied in its entirety including its Article VII(3) and Article XIII(2). In this regard the Commission recalled that the Commission shall hold a regular annual meeting. The Commission further recalled that each Member of the Commission shall be represented by one representative who may be accompanied by alternate representatives and advisers.

12.10 The Commission instructed the Executive Secretary to consult with the Australian authorities on the application of the Headquarters Agreement in order to ensure equal right to representation of all Members in accordance with the Convention. In addition, the Commission requested that the Chair of the Commission send a letter to the Australian authorities the week after the closure of this Meeting, to reiterate that the Headquarters Agreement shall be implemented in full including Article 19, and to recall its Article 25.

12.11 The Commission also noted that a virtual Heads of Delegation meeting will be scheduled in the last week of February or the first week of March during the 2023/24 intersessional period to review progress towards the timely organisation of the annual meeting including to confirm the dates and to promote timely issuance of visas for Members' delegations or take alternative decisions according to the Rules of Procedure, where relevant.

Other business

13.1 Argentina made the following statement:

‘The Government of the Argentine Republic would like to recall that the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas are an integral part of the Argentine national territory and are illegitimately occupied by the United Kingdom, being the subject of a sovereignty dispute recognised by the United Nations General Assembly’s Resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25. This controversy has also been recognised by the UN Special Committee on Decolonization in its Resolutions, which call on both parties to the sovereignty dispute – Argentina and the United Kingdom – to resume negotiations until a just, peaceful and definitive solution to the dispute is reached, taking due account of the interests of the inhabitants of the Malvinas Islands.

Argentina reiterates that in Statistical Subareas 48.3 and 48.4 only the multilateral regulations of this Convention are applicable.

In addition, Argentina recalls that the following actions are illegal and invalid:

- (i) activities carried out in the CAMLR Convention Area by vessels registered either in the Malvinas Islands or the South Georgias and the South Sandwich Islands, or

operating from their bases in those islands, or flying the flag of alleged British authorities of those islands, which Argentina does not recognise; as well as:

- (ii) port and at sea inspections carried out by those alleged authorities
- (iii) the issuance of, or the intervention in, catch documents by those alleged authorities
- (iv) the imposition of fishing licenses by those alleged authorities
- (v) any other unilateral action taken by the aforementioned colonial authorities in those territories.

The Argentine Republic reaffirms its sovereign rights over the Malvinas, South Georgias and South Sandwich Islands, and the surrounding maritime zones.’

13.2 The UK made the following statement:

‘The UK rejects Argentina’s statement.

The UK once again reiterates that it has no doubt about its sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands, and its sovereignty or sovereign rights in the surrounding maritime zones, as is well known to all delegates.

We also draw to the Commission’s attention that any fishing, fisheries research or other scientific research activities in the part of Subarea 48.3 and 48.4 that constitutes the South Georgia & the South Sandwich Islands maritime zone must have the prior approval of the islands’ Government. We recall the statements we have made about the management of the South Georgia fisheries earlier in this meeting, and in previous years. We reiterate that the Government of South Georgia & the South Sandwich Islands has implemented strict controls to ensure that fishing within its maritime zone occurs only on a sustainable basis and in line with the best available science. The fisheries are managed and operated so as to comply fully with the Convention and all applicable Conservation Measures and we reiterate our rejection of any suggestion to the contrary.

In connection with this, we note the reference made by Argentina earlier in the meeting to the well-known statement made by the Chairman of the Conference at which the Convention was adopted. The United Kingdom rejects the interpretation of the statement set out by Argentina and reiterates that the management and operation of the South Georgia and South Sandwich Islands fisheries are consistent with the Statement, as well as with Article IV of the Convention.’

13.3 Argentina made the following statement:

‘Argentina rejects the UK’s statement and reaffirms its legal position regarding its sovereignty over the Malvinas Islands, South Georgias and the South Sandwich Islands as is well known by all the Parties.’

13.4 France informed the Commission that they will host the One Planet Polar Summit in Paris on 8th–10th November 2023 and that they invite the Executive Secretary to participate in

the Summit. A report on the conclusion of summit will be presented to the Commission at CCAMLR-43.

13.5 Ecuador made the following statement:

‘Ecuador, as one of the most recent Members to accede to CCAMLR, would like to request from the Members with a longer history of attending the meetings that they consider showing some good will to bring to an effective conclusion the discussions on the issue of meeting dates. For a developing country such as Ecuador, some government planning is required in order to ensure a fair participation in the meetings of international organisations. Hence, we ask for the rest of Members to kindly take stock of the situation that Ecuador is in, and that they consider our request correspondingly.’

13.6 On behalf of the EU and its Member States, Ukraine, the United Kingdom and Australia, the EU made the following statement:

‘In 2009, the Commission committed to establishing a representative system of marine protected areas in the Convention Area, based on the bioregions of nine marine protected area planning domains. We therefore welcome Norway’s proposal to create a marine protected area in the Weddell Sea Phase 2. This proposal makes an important contribution towards delivering on our collective commitment. We thank Norway for its constructive engagement and look forward to continuing to work with Norway and other Members to progress this proposal.

On the other hand, we are disappointed that it was not possible to find consensus on our long-standing proposals to establish marine protected areas in East Antarctica and in the Weddell Sea (Phase 1). These proposals are based on the best scientific evidence available and are ready for adoption. We are also disappointed that there was no consensus to adopt our proposal to protect fish nest areas, which undoubtedly require protection. Once again, two Members have blocked any progress on these important initiatives, which aim to deliver on CCAMLR’s conservation objective.

Establishing a representative system of marine protected areas is a matter of urgency and critical to protecting biodiversity and ecosystem functioning in the waters surrounding Antarctica. The first confirmed cases of Avian flu in sub-Antarctica are very alarming and demonstrate clearly how globally interlinked biodiversity and ecosystems are. Large-scale marine protected areas are an important tool to build ocean and ecosystem resilience to the impacts of climate change and biodiversity loss. We therefore remain fully committed to progressing these proposals. We thank our co-proponents and are heartened by the broad support our proposals have received during this meeting.

Article IX.1(f) of the CAMLR Convention requires the Commission to base its decisions on the best scientific evidence available. For over four decades, the best scientific evidence available has successfully formed the basis of CCAMLR’s work. We therefore reject the notion of ‘sufficiency’ of science linked to the best scientific evidence available, which has no basis in the Convention, is not an internationally accepted scientific approach and sets an impossibly high standard for conservation.

Similarly, we reject the positions expressed by two Members that the Commission can only act if there is a demonstrated threat to Antarctic marine living resources and ecosystems. The Commission should also protect, based on the precautionary approach, areas that are intrinsically worth protecting because of their particular ecosystem and biodiversity value, including areas with unique, rare or highly biodiverse habitats and features such as the ice fish nests in the Weddell Sea. We recall the obligation to apply the ecosystem and precautionary approaches enshrined in Article II.3 of the Convention and the longstanding practice of CCAMLR in this regard. These require the Commission to act conservatively where scientific information is uncertain or imperfect.

We urge all Members to work together in the full spirit of cooperation of the Antarctic Treaty System on the basis of the Convention and our established practice to move forward on designating new marine protected areas and other important issues.’

13.7 Norway, Uruguay, Korea and New Zealand aligned themselves with the statement made by the EU and its Member States.

13.8 Korea made the following statement:

‘As we conclude the 42nd session of CCAMLR, I would like to express our sincere appreciation for the diligent efforts and commitment demonstrated by many member states. It is a testament to the spirit of international cooperation and shared responsibility that we have come together to address the complex challenges facing the Southern Ocean.

Korea emphasizes the critical role of robust CCAMLR science as the foundation of our decision-making process and underscores the imperative of maintaining and strengthening integrity in decision-making. Transparency, inclusivity, and accountability must be the cornerstones of our deliberations. The credibility of CCAMLR is tied to the trust we build, and our unwavering commitment to our mission.

While our progress in establishing new marine protected areas during this session was not as substantial as we had hoped, I want to emphasize that the dedication and cooperation of many members were essential in facilitating meaningful discussions and advancing our collective understanding of the issues at hand. We are also disappointed that Korea’s proposal to clarify the application of different research plans could not be adopted despite the recommendations from SCIC and SC, and the Commission could not adopt the Code of Conduct and Transparency improvement proposals, which gained support from a number of Members. We are committed to working with Members intersessionally to move these important matters forward.

In closing, let us not lose sight of the Convention's objectives and CCAMLR's mandate as a conservation organisation. Even in the face of global challenges, CCAMLR's integrity and commitment to safeguarding science and integrity should remain unshakeable.’

13.9 Chile made the following statement:

‘Chile would like to reaffirm its commitment to both the values of the Antarctic Treaty System and to the specific objectives of the Commission for the Conservation of

Antarctic Marine Living Resources, including the establishment of a representative system of marine protected areas.

Chile reiterates its concern over the politicisation of the System, which translates into a lack of consensus for reaching agreements, among other things.

Consensus has been the foundation of CCAMLR's work for forty years, and we want to invite all Members to protect what we have built.

Chile makes a call to all CCAMLR Members to work inspired by the permanent values that guide us and restates the need to make progress on the issues that bring us together, which is the reason we are meeting in Hobart.'

13.10 Argentina made the following statement:

'Argentina believes that the principles and values of the Antarctic Treaty System are what should guide us and are what we must return to. We reaffirm our commitment to the establishment of a representative system of marine protected areas and in that sense we have tabled, together with Chile, the proposal for a Marine Protected Area in Domain 1. We are flexible and open to ideas that can help improve this proposal and all the proposals, however, a serious commitment is necessary to achieve progress on this and all issues related to the conservation of Antarctic marine living resources. We are a conservation organization that has been a leader for four decades; it is necessary to return to the principles and values of Antarctic cooperation that have historically characterised us.'

13.11 ASOC made the following statement:

'Our expectation coming to this meeting was that progress would be made on several important conservation issues, including at least some modest progress towards the adoption of MPAs.

What we saw instead was:

- (i) no progress on existing MPA proposals
- (ii) attempts to increase obstacles towards the formal adoption of RMPs
- (iii) unwillingness to agree on essential protections for vulnerable features like ice fish nests
- (iv) an emphasis on rational use and fisheries management over conservation.

This status quo is particularly jarring amidst multiple and accelerating global crises affecting the Antarctic region, such as the progression of climate change. We have also witnessed the introduction of avian flu to the Antarctic in recent days, which jeopardizes millions of animal lives.

30x30 was agreed last year, but it seems like some CCAMLR delegations, even those who entered the agreement in Montreal, have not heard the news or don't recognize the connection between CCAMLR MPAs and 30x30 goals.

CCAMLR as a whole is responsible for making consensus decisions. However, consensus is often not achieved on issues large and small using what often seems like artificial procedural hurdles.

On the positive side we did see at this meeting:

- (i) CCAMLR taking a holistic approach to integrate management initiatives for the heavily fished and rapidly warming Antarctic Peninsula region - including progress towards establishing the Domain 1 MPA, as well as implementation of a new krill fisheries management approach
- (ii) the introduction of a new MPA proposal for the Weddell Sea phase 2
- (iii) a vast amount of science and scientific analysis produced under the umbrella of MPA proposals and MPA research and management plans
- (iv) most Members are now active proponents, supporters and contributors to the development of a representative network of MPAs
- (v) a commitment by many Members to finding solutions so that CCAMLR can get past the current state of affairs.

In this context we need to reboot CCAMLR. Let us move forward to meaningful dialogue and decisive action, channelling our collective wisdom towards the preservation of Antarctic marine ecosystems.

I would like to conclude by sharing the words of Aisha Bisset, a young person who spoke at our reception last week and called on CCAMLR to protect 30% of the Southern Ocean. “By protecting this biodiversity, by protecting Earth’s natural cooling system, by limiting our greenhouse gas emissions, we are protecting ourselves, ensuring our planet’s heart and lungs remain functional”.’

13.12 The USA made the following statement:

‘We support the statements made by the EU on behalf of its Member States, Ukraine, Australia, and the UK and by Norway; Uruguay; ROK; NZ; Chile; and Argentina.

The United States remains convinced of the enduring value of the Antarctic Treaty system, including CCAMLR. We have heard scientific evidence that melting ice, warming waters, and the arrival of a deadly pathogen could have devastating effects on Antarctic ecosystems.

Yet, at this meeting we could not agree on key measures that would help us meet our collective responsibility to conserve Antarctic marine living resources, including protection of fish nests, a limited time/area closure to protect threatened fur seals, catch limits based on the best available science, basic management measures for monitoring krill fishing vessels, an intersessional e-group on the safety of personnel onboard fishing vessels, or even a code of conduct for our events. This is disheartening to us, and antithetical to the way we have successfully collaborated for decades.

We heard from some delegations that harm must be demonstrated before we take action. In our view, that perspective goes against the spirit by which the Antarctic Treaty system and CCAMLR were established. We came together more than 40 years ago and agreed to conserve Antarctic marine living resources. With this objective in mind, our work has been guided by a precautionary approach.

The United States takes very seriously the Convention requirement to formulate, adopt, and revise conservation measures based on the best scientific evidence available.

The United States urges all members to work in good faith to conserve Antarctic marine living resources, guided in our efforts by the best scientific evidence available and the precautionary approach.’

13.13 Australia and New Zealand aligned themselves with the statement made by the USA.

13.14 China made the following statement:

‘China expresses its disappointment with the statement by EU on the MPA issues at the final stage of this Meeting. China is also disappointed that no significant progress has been made in recent years with respect to CCAMLR’s agenda item related to MPA issues. We believe that a key reason for this unexpected situation is due to the lack of common understanding and general agreement, among Members, on a number of fundamental elements of the establishment and operation of MPAs in the context of CCAMLR. In this regard, China presented constructive options, including the “step-by-step” approach for consideration. We sincerely hope that all Members work together in the spirit of cooperation and flexibility to find a way to move forward, with the aim to give effect to the objective and principles of the CCAMLR Convention.’

13.15 Russia made the following statement:

‘We support the Chinese delegation's view on discussing marine protected areas (MPAs). The reason why the Commission has not reached a consensus is not due to the individual Members' positions. The Russian Federation has provided numerous documents with comprehensive data and scientific evidence to promote the discussion of MPAs within this unique platform, which aims to ensure the preservation and responsible use of marine living resources. As an Antarctic nation and one of the founding members of the Antarctic Treaty System, the Russian Federation consistently contributes significantly to achieving this objective through all CCAMLR bodies, including the Scientific Committee and the Committee on Implementation and Compliance.

We deeply regret to inform you that during the 42nd CCAMLR meeting, the host country failed to issue visas to all delegations, which violated the CCAMLR Headquarters Agreement, specifically Article 19. This resulted in a denial of a Member State's right to be represented in a session under Article VII of the CCAMLR Convention by Australia. Consequently, the Russian delegation was unable to participate in the Scientific Committee, the Standing Committee on Implementation and Compliance, the Standing Committee on Administration and Finance, and the Working Group on Fish Stock Assessment.

We acknowledge that the Commission has important and urgent tasks, such as managing the rational use of resources, assessing scientific evidence, and undertaking collaborative research. We strongly believe that politicisation should be avoided, and it is especially inappropriate to blame any party for the lack of consensus. We believe that consensus as a basis for decision-making strengthens the importance of the Commission. We firmly believe that consensus as a basis for decision-making strengthens the importance of the Commission. We reaffirm our commitment to contribute effectively to the work of the Commission to achieve progress on the relevant issues of its agenda.'

13.16 Uruguay made the following statement:

'First of all, we would like to thank you, Mr Chair, for the excellent leadership skills displayed and for making CCAMLR meetings multilingual. We value that deeply. We would also like to express our appreciation to the Executive Secretary and to the Secretariat, and acknowledge particularly the Chairs of the Scientific Committee, SCIC, SCAF and of the conservation measures drafting group.

Secondly, we want to reiterate our clear and positive support to the MPA system as a CCAMLR tool for the conservation of the Antarctic ecosystem. We support and we will support, in the future, all that is related to MPAs. You can count on us for that. In that regard, we are aligned with the EU intervention and with the sense of urgency expressed about the establishment of a representative system of marine protected areas.

Our positions in the Commission are — and will be — based on the principle of unconditional adherence to the norms. We would like to thank the Members of the Commission for their flexibility regarding the adoption of CMs 41-09 and 41-10. Those conservation measures mean that Uruguay will be able to contribute to the activities of the exploratory fisheries in Subareas 88.1 and 88.2.

We would like to express our gratitude again for the support offered by the Commission for the project that Uruguay has been implementing thanks to the contributions of donor countries to the General Capacity Building Fund – Australia, the United States of America, New Zealand, the United Kingdom and Korea. We would also like to thank Norway for its support in the implementation of that project. We will keep working on it after those funds have run out.

I would also like to acknowledge the number of training opportunities enjoyed in relation to the Catch Documentation Scheme. Our thanks for the invaluable support provided by the Secretariat in that regard.

Also, our special thanks to the interpreters, not only for their linguistic skills, but also for their excellent handling of concepts. They should have no doubts about our appreciation.

Finally, we would like to express regret for the difficulties that we encountered in the Commission to reach consensus on key issues, and we reiterate Uruguay's firm and unconditional support for the CCAMLR legal system and for its scientific management aiming at the conservation of the Antarctic marine living resources.

Uruguay makes a call to find arguments that contribute towards the spirit of our Convention, and towards the promotion of a permanent and constructive dialogue that strengthens our globally unique Commission’.

Report of the forty-second meeting of the Commission

14.1 The report of the forty-second meeting of the Commission was adopted.

Close of the meeting

15.1 At the conclusion of the meeting the chair thanked all of the delegates for their cooperation, hard work and flexibility to ensure the adoption of the report. He further thanked the Chairs of SCIC, SCAF and the Scientific Committee, the interpreters, the Secretariat and the Congress and other support staff for ensuring the meeting logistics and organisation ran smoothly.

15.2 Norway thanked the chair for his leadership during a challenging meeting for all Members, noting that the circumstances of this meeting were unprecedented for many reasons. On behalf of all Members Norway expressed willingness to work with the chair during the intersessional period to advance the work of the Commission, and looked forward to the next meeting of the Commission.

15.3 The Chair closed the 42nd meeting of the Commission.

References

Nicoll, R. and J.C. Day. 2017. Correct application of the IUCN protected area management categories to the CCAMLR Convention Area. *Mar. Pol.*, 77: 9-12, doi: 10.1016/j.marpol.2016.11.035.

Table 1: List of 2023/24 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	May 2025	New Zealand	Australia
The Antarctic Treaty Consultative Meeting (ATCM)	20 to 30 May 2024	Kochi, India	Executive Secretary
The FAO Committee on Fisheries (COFI)	8 to 12 July 2024	Rome, Italy	Executive Secretary
The Commission for the Conservation of Southern Bluefin Tuna (CCSBT)	7 to 10 October 2024		New Zealand
The Inter-American Tropical Tuna Commission (IATTC)	7 to 11 August 2023	Canada	
The International Commission for the Conservation of Atlantic Tunas (ICCAT)	13 to 20 November 2023	Hybrid, New Cairo, Egypt	USA
The Indian Ocean Tuna Commission (IOTC)	TBC	TBC	Australia
The World Conservation Union (IUCN)	2025	TBC	France
The International Whaling Commission (IWC)	23 to 27 September 2024	Lima, Peru (TBC)	Australia
The Northwest Atlantic Fisheries Organization (NAFO)	23 to 27 September 2024	Halifax	EU
The North East Atlantic Fisheries Commission (NEAFC)	14 to 17 November 2023	London, UK	Norway
The South East Atlantic Fisheries Organisation (SEAFO)	29 November to 30 November 2023	Swakopmund, Namibia	EU
The Southern Indian Ocean Fisheries Agreement (SIOFA)	1 to 5 July 2024	Korea	Korea
The South Pacific Regional Fisheries Management Organisation (SPRFMO)	29 January to 2 February 2024	Manta, Ecuador	New Zealand
The United Nations Environment Programme (UNEP)	26 February to 1 March 2024	Nairobi, Kenya	Argentina
The Commission for the Conservation and Management of the Highly Migratory Fish Stocks of the Western and Central Pacific Ocean (WCPFC)	4 December to 8 December 2023	Rarotonga, Cook Islands	New Zealand

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- CCAMLR-42/36 Report of the Meeting of the Standing Committee
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- CCAMLR-42/37 Comments on the Revised Proposal for a Conservation
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- CCAMLR-42/39 Draft conservation measure for a Weddell Sea Marine
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States
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CCAMLR-42/BG/23	Report from the CCAMLR Observer (Australia) to the 6th Special Session and 27th Annual Meeting of the Indian Ocean Tuna Commission (IOTC) Delegation of Australia
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CCAMLR-42/BG/32	Report by CCAMLR Observer (Norway) on the 41st Annual Meeting of the North-East Atlantic Fisheries Commission (NEAFC), 15 – 18 November 2022 Delegation of Norway
CCAMLR-42/BG/33	Report from the CCAMLR observer (New Zealand) to the Commission for the Conservation of Southern Bluefin Tuna on the key issues from the 30th annual meeting Delegation of New Zealand

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SC-CAMLR-42/BG/15	CCAMLR MPAs: Where do we go from here? ASOC
SC-CAMLR-42/BG/21	Is CCAMLR Krillin’ It? Accelerated climate change and krill fishing effects on the Antarctic ecosystem necessitate urgent protection and precautionary management ASOC
SC-CAMLR-42/BG/24	Resetting the Relation Between Conservation and Fishing in CCAMLR ASOC
SC-CAMLR-42/BG/25	SC-CAMLR Special Fund annual reporting CCAMLR Secretariat
SC-CAMLR-42/BG/28 Rev. 1	Summary for Policy Makers from the first Marine Ecosystem Assessment for the Southern Ocean (MEASO) and recommendations for CCAMLR SCAR and SCOR
SC-CAMLR-42/BG/30	The Scientific Committee on Antarctic Research (SCAR) Annual Report to CCAMLR 2023/24 SCAR

**Opening Address by the Governor of Tasmania, Her Excellency
the Honourable Barbara Baker AC**

**Opening Address by the Governor of Tasmania, Her Excellency
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‘Mr Chair, Your Excellencies, Distinguished Delegates, good morning and welcome to the 42nd annual meeting of the Commission.

Mr Tsymbaliuk, I would like to extend to you a very warm welcome to Hobart, and I congratulate you on your appointment as Chair of the Commission. I understand that you attended last year’s meeting, and that this has already been a busy year for you as you chaired the 3rd Special Meeting of the Commission in June in Santiago Chile. We are very honoured that you are here.

It really is a pleasure for me to be able to address the Commission, and to have been able to open your annual meetings over the last three years. Looking back, even over such a short period of time the issues affecting the Antarctic and its surrounding waters have continued to evolve and I have no doubt that they will be the subject of your work over the next two weeks.

Uppermost in many people’s minds now is climate change. Scientific evidence for the impacts of climate change has been clear for some time. But it is becoming increasingly apparent to everyone, even in the absence of detailed scientific measurement, that major changes are occurring at a global scale. To name but a few of the events this year – the northern hemisphere summer wildfires in Canada, Greece and elsewhere; the record low summer and winter extent of Antarctic sea-ice; reports of abnormally warm ocean temperatures; and the recently reported mass mortality of emperor penguin chicks caused by the breakup of usually stable sea-ice in the Bellingshausen Sea.

The elevation of the issue of climate change in your agenda is therefore very timely. The focus given to this topic by the adoption of a new climate change resolution last year, and the convening of the Workshop on Climate Change last month, will I am sure be important for your continuing discussions.

Of course, I am aware that your agenda contains many issues of very high importance to delivering on the objective of the Convention. I have noted your discussion last year of the need to develop a holistic approach to krill management in the Antarctic peninsula region. There is continued international interest in the krill fishery and its possible interaction with krill predators as well as uncertainty about how climate change might affect the distribution of krill and the ecosystems of which it is a part.

The other interlinked topic that has garnered attention from the wider public is the issue of marine protected areas and their place in the Antarctic. The initiative that the Commission took to hold a special meeting on this issue in June this year, in Santiago, Chile, sent a clear signal to the world of the importance that the CCAMLR attaches to this work.

The task that you have set yourselves, the conservation including rational use of Antarctic marine living resources, is a daunting one with many complexities, set against a dynamic and changing environment. Nevertheless, your track record over the last 42 years has shown that you have an enviable ability to solve complex problems together.

Distinguished Delegates, I will bring my brief address to a close by wishing you well in your endeavours over the next two weeks. The fact that CCAMLR is headquartered in Hobart, one of the five Antarctic Gateway Cities, is a source of huge pride to Tasmania. Your annual visits, and the connection with Antarctic professionals throughout the year, enrich our community. We thank you for your contribution to Antarctica and to the vibrant life of Hobart, and wish you an enjoyable stay here.

The relationship between the Commission and Government House, dating back to the 1980s, is one of personal pride to all of us who work there, and it is my great pleasure to be able to continue that tradition by opening this 42nd meeting. So, without further ado I will hand you back to your Chair to start your deliberations.

Thank you for your attention.'

Agenda for the Forty-second Meeting of the Commission

**Agenda for the Forty-second Meeting of the
Commission for the Conservation of
Antarctic Marine Living Resources**

1. Opening of the meeting
2. Organisation of the meeting
 - 2.1 Adoption of agenda
 - 2.2 Status of the Convention
 - 2.3 Chair's Report
 - 2.4 Participation of a Member in the CCAMLR Meeting
 - 2.5 Proposals for New Measures
3. Implementation of Convention objectives
 - 3.1 Objectives of the Convention
 - 3.2 Second Performance Review
4. Management of marine resources
 - 4.1 Advice from the Scientific Committee
 - 4.2 Krill resources
 - 4.3 Fish resources
 - 4.4 Non-target species
 - 4.4.1 Fish and invertebrates
 - 4.4.2 Seabirds and marine mammals
 - 4.4.3 Bottom fishing and vulnerable marine ecosystems
 - 4.4.4 Marine debris
5. Spatial management
 - 5.1 CCAMLR-SM-III
 - 5.2 Proposals for marine protected areas (MPAs)
 - 5.3 Review of existing MPAs
 - 5.4 General issues related to spatial management
6. Impacts of climate change on the conservation of Antarctic marine living resources
7. Implementation and compliance
 - 7.1 Advice from SCIC
 - 7.2 CCAMLR Compliance Report
 - 7.3 Illegal, unreported and unregulated (IUU) fishing in the Convention Area
8. CCAMLR Scheme of International Scientific Observation

9. Conservation measures
 - 9.1 Review of existing measures
 - 9.2 Consideration of new measures and other conservation requirements
10. Administration and Finance
 - 10.1 Advice from SCAF
 - 10.2 Review of the 2023 budget, the 2024 budget and forecast budget for 2025
11. Cooperation with the Antarctic Treaty System and international organisations
 - 11.1 Cooperation with the Antarctic Treaty System
 - 11.2 Cooperation with international organisations
 - 11.2.1 Reports of observers from international organisations
 - 11.2.2 Reports from CCAMLR representatives at meetings of international organisations in the previous intersessional period and nominations of representatives to forthcoming meetings of relevant international organisations
 - 11.2.3 Cooperation with regional fisheries management organisations (RFMOs)
12. Administrative matters
 - 12.1 Election of officers
 - 12.2 Invitation of observers
 - 12.3 Next meeting
13. Other business
14. Report of the Forty-second Meeting of the Commission
15. Close of the meeting.

**Summary of activities of the Commission during the
2022/23 intersessional period – Report of the Chair**

Summary of activities of the Commission during the 2022/23 intersessional period

Report of the Chair

Intersessional meetings

1. The Commission held its Third Special Meeting (CCAMLR-SM-III) from 19 – 23 June 2023 in Santiago, Chile.
2. The following intersessional meetings of the Scientific Committee were held in 2023:
 - COLTO–CCAMLR Tagging Workshop, 14 to 17 March, Headquarters, Hobart.
 - Krill Fishery Observer Workshop, 19 to 21 July, Shanghai, China.
 - Workshop on Climate Change, 3 to 8 September, online and in person, Cambridge, UK and Wellington, New Zealand.
 - Working Group on Acoustic Survey and Analysis Methods (WG-ASAM), 22 to 26 May, Tokyo, Japan.
 - Working Group on Statistics, Assessments and Modelling (WG-SAM), 26 to 30 June, Kochi, India.
 - Working Group on Ecosystem Monitoring and Management (WG-EMM), 3 to 14 July, Kochi, India.
 - Working Group on Incidental Mortality Associated with Fishing (WG-IMAF), 2 to 13 October, Headquarters, Hobart.
 - Working Group on Fish Stock Assessment (WG-FSA), 5 to 10 October, Headquarters, Hobart.
3. On behalf of CCAMLR, I would like to express my gratitude to the hosts of these meetings, to the conveners, and the Secretariat for their expert support and facilities.

CCAMLR-regulated fisheries

4. In the 2022/23 season to 31 July 2022, 12 CCAMLR Members participated in fisheries and research targeting icefish, toothfish and krill (see SC-CAMLR-42/BG/01). Members reported a total catch of 383 938 tonnes of krill, 9 933 tonnes of toothfish and 344 tonnes of icefish from the Convention Area.
5. The Secretariat monitored CCAMLR fisheries using catch and effort reports and notifications of vessel movements. Where necessary, Members and vessels were advised of the closure of areas and fisheries.

6. During the 2022/23 season, 54 deployed scientific observers were appointed in accordance with the Scheme of International Scientific Observation: 40 on longline vessels, two on trawl vessels fishing for icefish, and 12 on vessels fishing for krill.

CCAMLR's fishery monitoring and compliance

7. To date in the 2022/23 season, 597 *Dissostichus* catch documents, 3 293 export documents and 767 re-export documents have been issued by 20 Contracting Parties and one Non-Contracting Party (NCP) (Singapore) cooperating with the Catch Documentation Scheme for *Dissostichus* spp. (CDS).

8. No vessels included on the NCP-IUU (illegal, unreported and unregulated) Vessel List were reported as sighted by Members inside the Convention Area in 2022/23.

9. The Secretariat has continued to cooperate with INTERPOL during 2023.

Science

10. 99 participants attended the mid-year scientific meetings of WG-ASAM, WG-SAM and WG-EMM. The General Science Capacity Fund supported one new scholarship recipient, six continuing recipients, three conveners and the tagging and krill observer workshops.

Cooperation with other organisations

11. The Commission was represented at meetings of 11 international organisations and programs in 2022/23 and maintained relationships with six organisations it has formal Agreements with.

Secretariat

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

13. The Secretariat continued to provide quarterly financial and investment reports to Members through the year.

14. The Executive Secretary's Report to CCAMLR-42 (CCAMLR-42/05) includes a report on the first year of implementation for the 2023-26 Strategic Plan.

**Report of the Standing Committee on
Implementation and Compliance 2023 (SCIC-2023)**

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**Report of the Meeting of the Standing Committee
on Implementation and Compliance 2023 (SCIC-2023)**
(Hobart, Australia, 16 to 20 October 2023)

Opening of the meeting

1. The Meeting of the Standing Committee on Implementation and Compliance (SCIC) was held in Hobart, Australia, from 16 to 20 October 2023.
2. The Chair of SCIC, Ms M. Engelke-Ros (USA) opened the meeting, welcomed Members and Observers, and thanked the Secretariat for its support. The Chair further expressed thanks to Members for their intersessional work to prepare for SCIC.
3. SCIC endorsed the nomination of Dr L. Fields (USA) for Chair of the Conservation Measures Drafting Group (CMDG) and expressed their appreciation to Dr Fields for her willingness to take on the role facilitating the work of the CMDG.
4. The Chair noted the vacancy of the Vice-Chair of SCIC and encouraged Members to nominate a representative to fill this role.

Organisation of the meeting

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

Review of compliance and implementation-related measures and systems

Catch Documentation Scheme (CDS)

Implementation of the CDS

6. SCIC noted the implementation of the Catch Documentation Scheme for *Dissostichus* spp. (CDS) in 2022/23 (CCAMLR-42/BG/18) and noted that the CDS was implemented by 17 Members, three Acceding States and one non-Contracting Party (NCP) cooperating with CCAMLR by participating in the CDS.
7. SCIC noted that no Specially Validated *Dissostichus* Catch Documents (SVDCDs) had been issued in 2022 and one SVDCD had been issued by Spain for 2023 (COMM CIRC 23/105). In accordance with Conservation Measure (CM) 10-05, paragraph 22, SCIC reviewed the circumstances of Spain's SVDCD and recommended to the Commission that no further action was necessary.
8. As per CM 10-05, Annex 10-05/C, paragraph C9, SCIC considered the current cooperating status granted to Mexico. SCIC recalled the discussion at SCIC-2022 (SCIC-2022, paragraph 12), noting it had encouraged Members to reach out to Mexico via appropriate diplomatic channels to assist the Secretariat in facilitating Mexico's

implementation of CM 10-05. SCIC noted that Members and the Secretariat had not made any progress engaging with Mexico and as a result, there has been no training on the implementation and application of the CDS.

9. SCIC noted that limited access to the CDS for the purpose of verifying export/re-export documents accompanying imports of *Dissostichus* spp. and issuing re-export documents had recently been granted to the Kingdom of Thailand (COMM CIRC 23/104) and the Republic of Colombia (COMM CIRC 23/112).

10. Colombia made the following statement:

‘For us, it is an honour to participate for the first time at a CCAMLR meeting, essential to continue building the present and future of the Antarctic living marine resources.

For Colombia, the interaction at the international level with regional fisheries management organisations is highly relevant, and in particular within the multiple mechanisms to achieve sustainable fishing free of illegal activities that affect the sustainability of marine resources, particularly in the south ocean waters managed by this Convention.

For this reason, Colombia submitted, within the required terms, an application to the Secretariat of the Commission to have limited access to the Catch Documentation Scheme (CDS), which allows tracking of toothfish from the point of landing and throughout the entire marketing cycle with the aim of achieving its implementation in our country and joining the mechanisms for the conservation and sustainable use of Antarctic marine resources.

In this concern, and with appreciation, gratitude and commitment, we have received from the Secretary of the Commission this morning, 16 October 2023, the limited access to the Capture Documentation System (CDS) required for Colombia.

Finally, and based on the above, we also thank the Commission for the advice and support that they can provide us in the implementation of the Capture Documentation System (CDS) in our Country in order to achieve the appropriate incorporation of this mechanism, and the strengthening of Colombia's participation within the Commission's objectives.’

11. In respect to the implementation of the CDS by Hong Kong Special Administrative Region of China, China recalled that the Convention was applied to Hong Kong SAR on 1 July 2020 and has adopted the Conservation of Antarctic Marine Living Resources Ordinance (Chapter 635) and its subsidiary regulations, for the implementation of the CAMLR Convention. China noted that as of 28 September 2023 the Hong Kong SAR Government has issued 46 import licences involving 305 tonnes and 32 re-export licences involving 34 tonnes, with 21 random checks made and no irregularities found. China reiterated that the Hong Kong SAR government is committed to contributing to the concerted international efforts in the protection and sustainable use of Antarctic marine resources and will continue to monitor the trade of toothfish. China invited the Secretariat and other Contracting Parties to provide information as it becomes available on any trade associated with illegal, unreported and unregulated (IUU) catch of toothfish, so as to facilitate and act on the tracking of suspected IUU catch landed in, or transhipped through, Hong Kong SAR.

12. China pointed out some inconsistencies of terminology regarding some regions of China contained in the document CCAMLR-42/BG/18. The Secretariat was kindly requested to make necessary modifications, taking into account past practice in relevant documents of CCAMLR. China also requested the same standard should apply in future statistics. China thanked the Secretariat for its revision (CCAMLR-42/BG/18 Rev. 1).

CDS Fund review proposal

13. SCIC considered the proposal from the Secretariat for expenditure from the Catch Documentation Scheme for *Dissostichus* spp. (CDS) Fund (CCAMLR-42/14) and thanked the Secretariat for its work to support the CDS.

14. SCIC noted the proposal for an in-person workshop and reflected on the importance of in-person training opportunities for the CDS, however, noted that hybrid workshops options should be considered to maximise participation.

15. Korea noted that it was unable to attend the online training offered in 2022 and that with the recent upgrades of the e-CDS, it was an opportune time for the Secretariat to provide in-person workshops to increase capacity.

16. SCIC noted that it was flexible on the date of delivery of the workshops and noted its preference that at least one workshop in 2024 or 2025 be undertaken in the Southeast Asia region.

17. Noting the requirement of CM 10-05, Annex 10-05/B, for the designation of a Review Panel to review the CDS Fund expenditure proposal, SCIC convened the CDS Fund Review Panel which was chaired by the United Kingdom (UK) and comprised of representatives from Argentina, Australia, France, Republic of Korea (Korea), New Zealand, and the USA.

18. The CDS Fund Review Panel thanked the Secretariat for the detailed proposal and recommended the expenditure from the e-CDS fund totalling A\$80 000 over two years (2024 and 2025) in support of the following proposals:

- (i) An e-CDS maintenance fund, with a value of A\$20 000 for 2024. The Panel agreed that third party technical support would allow timely responses to issues as they occur. Given the funding is only for the coming year, the Panel requested that the Secretariat prepare a proposal for multi-year funding for regular maintenance of the e-CDS for consideration at SCIC 2024.
- (ii) Online CDS training workshops, with a value of A\$20 000 for 2024 and 2025. The Panel noted the importance of the online CDS training and positive feedback received from Members who had undertaken the online training courses.
- (iii) In-person CDS training, with a value of A\$40 000 for two workshops over 2024 and 2025. The Panel noted the NCP engagement strategy and the request from Thailand and Colombia to provide support and training on the CDS. The panel noted this would cover the cost of the Secretariat staff travel, translation costs and interpretation for each workshop.

19. The CDS Fund Review Panel also reaffirmed the desire to hold an in-person workshop in 2024 or 2025 focused on the CDS and port inspection processes to support CDS, as approved at SCIC in 2021 with a previously agreed budget of A\$100 000.

20. SCIC thanked the CDS Fund Review Panel for its work and endorsed the expenditure proposal and confirmed its support for an in-person workshop for 2024–2025, as approved at SCIC in 2021.

21. South Africa recalled that an in-person workshop with a focus on the CDS and port inspections was previously agreed to be held in Cape Town in 2020 but due to the global pandemic this workshop was postponed. South Africa reaffirmed its commitment to host such a workshop in 2024–2025.

Krill Catch Documentation Scheme

22. SCIC considered CCAMLR-42/BG/03, which summarised the technical requirements to apply a catch documentation scheme to krill and identified a number of conservation measures which may need to be reviewed in order to implement a catch documentation scheme for krill.

23. SCIC thanked the Secretariat for the detailed summary and noted that it was clear that krill could not be incorporated into the current *Dissostichus* spp. CDS. Many Members expressed their support for revisions to CM 10-03, for 100% port inspection coverage and to CM 10-09 to include the intended port of landing to transshipment notifications, and for continued discussions on the development of a krill CDS or improvements to CCAMLR general management systems.

24. China noted that for *Dissostichus* spp. a catch documentation scheme has been critical in addressing IUU fishing and controlling the trade of products. However, China recalled its position at SCIC-2022 (SCIC-2022, paragraph 61) that since IUU fishing has not been documented as an issue in CCAMLR's krill fisheries, there is no need to develop a catch documentation scheme for krill. Some Members noted that without increased monitoring and transparency of trade such as through a catch documentation scheme for krill, it is difficult to demonstrate the legality of krill catch and trade.

Vessel Inspection

25. SCIC reviewed the implementation of CM 10-03 and the System of Inspection in 2022/23 in CCAMLR-42/16 which noted that 123 port inspections and 14 at-sea inspections were undertaken.

26. SCIC endorsed the Secretariat proposal to amend CM 10-03 and to add an alternative CCAMLR port inspection form which can be utilised by inspectors in conjunction with the Port State Measures Agreement (PSMA) inspection form to reduce redundancy in reporting for inspectors. The proposed amendments to CM 10-03, including the addition of an alternative CCAMLR inspection form (CM 10-03, Annex C), were endorsed by SCIC and referred to

Commission for adoption. SCIC noted that some Members are not signatories to the PSMA and that they will be able to continue to undertake port inspections utilising CM 10-03, Annexes A and B.

27. SCIC noted the recommendation for the development of electronic reporting mechanisms and requested that the Secretariat develop a project plan for the development of port inspection electronic reporting systems and different modalities to be presented at SCIC-2024. SCIC encouraged continued efforts by the Secretariat to pursue development of electronic reporting resources for inspectors.

28. SCIC requested that the Secretariat review the current inspector resources and develop a project plan to improve the accessibility and content of inspector resources to be presented at SCIC-2024.

29. SCIC welcomed Chile's submission (CCAMLR-41/BG/01) on inspections undertaken by Chile's vessel OPV-83 *Marinero Fuentealba* in Subarea 48.1 during the 2022/23 season, where six vessels in total were inspected with all vessels demonstrating compliance with all CCAMLR conservation measures.

30. SCIC expressed its appreciation to Chile for its efforts in undertaking inspection activities on behalf of all Members, noting that these inspection activities benefit the entire Membership and are important in combating IUU fishing activities in the Convention Area.

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

31. SCIC considered the implementation of the vessel monitoring system (VMS) (CCAMLR-42/11) and noted the update on the work to develop automated VMS movement notifications.

32. SCIC endorsed the recommendation for the SAR Arrangements to be reviewed and renewed with each of the five rescue coordination centres (Argentina, Australia, Chile, New Zealand and South Africa).

33. SCIC endorsed the recommendation for the revision of CM 24-01, paragraph 5, to require vessel movement notifications for vessels undertaking research fishing under CM 24-01.

34. SCIC advised that monitoring the implementation of the requirement for vessels to have AIS units fitted and switched on, as per CM 10-02, will be conducted by Members, including through inspection and incident reports. SCIC did not endorse the development of a project plan for the incorporation of AIS data into CCAMLR data holdings.

35. SCIC endorsed the recommendation to eliminate support for the transmission of INMARSAT VMS units directly to the Secretariat. SCIC noted the Secretariat's concerns on expenditure, reliability and troubleshooting with the units, and reiterated that these were consistent with concerns and issues raised in other forums.

36. SCIC endorsed the recommendation for the Secretariat to review the hosting options of CCAMLR's CLS Themis VMS system as well as the associated provisions of CM 10-04, Annex B, and provide the results of the review to SCIC-2024 to include proposals for appropriate improvements in line with modern best practices.

Promotion of Compliance in CCAMLR

37. SCIC noted the revised tagging protocol (CCAMLR-42/08 Rev. 2) and recalled the request during SCIC-2022 (SCIC-2022, paragraph 68) for clarification of tagging obligations as outlined in CM 41-01, Annex C.

38. SCIC noted that both the Working Group on Fish Stock Assessment (WG-FSA) and Scientific Committee had discussed the revised tagging protocol this year and endorsed its inclusion in CM 41-01, Annex C. Some Members noted that additional drafting improvements may assist in clarifying some of the guidelines outlined in the protocol. As the protocol was under review by the Scientific Committee and would be presented at the Commission, SCIC recommended Members note the Scientific Committee's advice to the Commission on the matter and provide suggestions as necessary.

39. SCIC thanked New Zealand, Korea, and the Secretariat for their report on the intersessional work undertaken on issues surrounding unidentified fishing gear in the Convention Area and gear marking, in addition to the proposed two-year workplan (CCAMLR-42/22).

40. SCIC noted the expertise of CCAMLR Observers COLTO and ARK, and invited them to participate in the proposed workplan. COLTO noted that they were hosting a fishing gear workshop in Norway in 2024, which is intended to cover a number of issues identified in the workplan.

41. SCIC noted that the implementation of changes to gear marking could have increased costs to industry and potential logistical issues with sourcing gear. The UK also raised concerns regarding a centralised database for marked gear, including the need to ensure confidentiality of gear markings.

42. SCIC endorsed the recommendations for:

- (i) the Secretariat to issue a Member Survey on domestic gear marking regulations and restrictions
- (ii) the Secretariat to conduct a further survey on gear marking practices in regional fisheries bodies
- (iii) the proposed workplan for continued intersessional work on the development of a framework for Gear Marking Requirements and Retrieval, Handling and Reporting of Unidentified Gear in CCAMLR Fisheries
- (iv) the template for reporting encountered unidentified gear in Annex II, and for vessels operating in the Convention Area to report to their Flag State and the Secretariat any encounters on a voluntary basis until a framework is agreed

- (v) the continued participation in the e-Group on this subject and consideration of appropriate participants to contribute to the development of the framework.

43. SCIC considered the Secretariat's paper which provided an update on the work to enhance the integration of compliance data and improve data processing systems (CCAMLR-42/BG/07).

44. SCIC noted the importance of this work, specifically that it was delivering improved data systems to strengthen CCAMLR's ability to ensure compliance with conservation measures through the enhanced integration of compliance data and improving data processing systems.

45. SCIC thanked the EU for their generous financial contributions to support this work.

46. SCIC thanked New Zealand for their aerial surveillance patrols as reported in CCAMLR-42/BG/24 and noted the importance of this activity in combating IUU fishing.

Transshipment

47. SCIC considered the implementation of CM 10-09 (CCAMLR-42/09) noting that 211 transshipments occurred during the 2021/22 season, of which 154 were of krill products and none were of toothfish.

48. SCIC noted that transshipments by non-Contracting Party vessels are concerning due to the fact that CCAMLR conservation measures are not binding on these vessels. Korea noted that its vessels only tranship with vessels flagged to Contracting Parties and all transhipped products are monitored through systems by the Korean Fishery Monitoring Centre.

49. SCIC further noted that transshipment of harvested marine living resources caught within the Convention Area from a fishing vessel to a transshipment vessel and then to another transshipment vessel may lead to issues in the traceability of products. SCIC noted that measures can be put in place to improve the traceability of products, including measures set out in the UN FAO Voluntary Guidelines on Transshipment, such as labelling of product boxes, segregated storage, storage management plans, and catch reporting systems on entry into and exit from the Convention area.

50. Korea presented a joint proposal from Korea and the Antarctic and Southern Ocean Coalition (ASOC) for an informal workshop to improve transshipment regulation (CCAMLR-42/BG/21). The proposal was for an online workshop in January 2024 to develop objectives for strengthening CCAMLR's compliance regime, with a focus on transshipment, but also including other compliance monitoring measures such as VMS, observers, and fishery notifications. SCIC noted that the workshop is open to all Contracting Parties and Observers, including industry stakeholders, and encouraged participation for a successful workshop.

51. SCIC thanked Korea and ASOC for this proposal and supported moving forward with this workshop. Some Members expressed their intent to participate.

52. SCIC thanked ARK for the information provided in their paper (CCAMLR-42/BG/27), as well as their recommendations for improving safety and transparency in the krill fishery.

Implementation of the Scheme of International Scientific Observation (SISO)

53. SCIC considered the implementation of the Scheme of International Scientific Observation (SISO) (WG-FSA-2023/07 Rev. 2), which provided a summary of deployment information for all observers appointed under SISO on board vessels in the Convention Area during the 2022/23 fishing season, and an update on the development and implementation of commercial data forms and manuals.

NCP Engagement Strategy

54. SCIC considered the implementation of the current NCP Engagement Strategy action plan for 2023-2024 which was endorsed by the Commission at CCAMLR-41 (CCAMLR-41, paragraph 7.11).

55. SCIC noted the activities of the Secretariat in 2023 under the current action plan (CCAMLR-42/BG/17). SCIC expressed their appreciation to the Secretariat for the significant progress made so far, noting the successful applications for cooperation submitted by the Republic of Colombia and the Kingdom of Thailand, and encouraged the Secretariat to continue similar NCP engagement activities in 2024.

Proposals for new and revised compliance-related conservation measures

Conservation Measure 10-02

56. In recalling the modification of CM 10-02 at SCIC-2022 to require vessels to keep automatic identification systems (AIS) switched on at all times within the Convention Area, the Coalition of Legal Toothfish Operators (COLTO) provided further information on the difference between AIS and Automatic Radar Plotting Aids (ARPA) (CCAMLR-42/BG/31). COLTO requested that CCAMLR not continue with the mandated implementation of AIS for the coming fishing season, due to their concern that mandating AIS for toothfish vessels would allow IUU operators to track the presence of legal operators in the Convention Area. COLTO reiterated that ARPA and robust watchkeeping practices are the preferred operational approaches for avoiding collisions, noting that AIS as a collision-avoidance tool is very susceptible to operational limitations and is frequently misused.

57. SCIC thanked COLTO for the comparison of the technologies and recognised their concerns, however, could not support removal of this requirement from CM 10-02. As Members with search and rescue responsibilities in the Convention Area, Argentina and Chile noted AIS is a useful tool to ensure the safety of life at sea.

Conservation Measure 10-03

58. SCIC considered the proposal by the Secretariat to amend CM 10-03 (CCAMLR-42/16) to accommodate the use of a simplified CCAMLR inspection form when submitted with a fully

completed Port State Measures Agreement (PSMA) inspection form to meet the requirements of CM 10-03.

59. SCIC considered the proposal by the delegations of Australia, New Zealand, and the USA to amend CM 10-03 (CCAMLR-42/32 Rev. 1) to require Contracting Parties to conduct port inspections of all fishing vessels carrying species and products other than *Dissostichus* spp. that were harvested in the Convention Area. Additionally, proposals were made to include in Annex 10-03/B references to CMs 25-03, 51-01, 51-02, 51-03 and 51-04 to record inspection of marine mammal exclusion devices on trawl gear and other measures related to the mitigation of seabird mortality, and the inclusion of product codes for boiled, peeled and oil for krill products.

60. SCIC considered the need for some Contracting Parties to build capacity to implement this new requirement — a delayed implementation date of 1 January 2026 was proposed along with a requirement for the Commission to review the conservation measure in 2025, before it becomes applicable, to consider an additional delay if needed.

61. Revisions to CM 10-03 for the inclusion of the simplified CCAMLR inspection form to be used with a completed PSMA form, the requirement for all fishing vessels carrying species and products other than *Dissostichus* spp. that were harvested in the Convention Area to be inspected with a delayed implementation, subject to a review in 2025, as noted in paragraph 60 and product codes for boiled, peeled and oil for krill products were all endorsed by SCIC and referred to the Commission for adoption. SCIC did not reach consensus for the inclusion of references to CMs 25-03, 51-01, 51-02, 51-03 and 51-04 in Annex 10-03/B.

Conservation Measure 10-04

62. SCIC considered the proposal by the delegations of Australia, New Zealand, Republic of Korea, the United Kingdom and the USA to amend CM 10-04 (CCAMLR-42/29 Rev. 1) to require all Contracting Parties whose fishing vessels are operating in the Convention Area to submit VMS data to the CCAMLR Secretariat no later than one hour after receipt.

63. Some Members welcomed the proposal and highlighted the importance of real time transmission of VMS data for monitoring of fishing activities. China raised concerns regarding the feasibility of the measure considering that their domestic procedure requires evaluation of the VMS data received from vessels before transmission to the Secretariat.

64. The Secretariat provided SCIC with information that VMS data reported directly to the Secretariat constitutes an important part of the decision-making process of the Secretariat when forecasting the closure of fisheries. The Secretariat's explanation noted that where the VMS data shows a vessel clearly steaming out of the fishing grounds in a fishery which is reporting at five-day periods it will not be included in the projections for the closure, improving the forecasting accuracy and possibly allowing the remaining fishing vessels additional time to fish. The Secretariat's explanation noted that in the absence of real time VMS data transmission, the Secretariat needs to assume all vessels in an area that are not reporting VMS data directly to the Secretariat are fishing and should be included in the projection. The Secretariat's explanation noted that this occurred in the 2021/22 season, resulting in a premature closure and a final catch

for Subarea 48.1 that was 7.5% below the catch limit as vessels which were not reporting VMS data directly to the Secretariat were considered to be actively fishing when they were exiting the area.

65. Many Members thanked the Secretariat for this useful information and explanation. China noted that the information and explanation provided by the Secretariat is not enough to verify the inherent relationship between the real-time VMS data and the forecasting accuracy of fishing area closures. China requested the Secretariat to provide more information in this regard for further consideration.

66. SCIC did not reach consensus on the proposal to amend CM 10-04. It was referred to the Commission for further consideration.

Conservation Measure 10-05

67. SCIC considered the proposal by Korea to amend CM 10-05 (CCAMLR-42/35) to provide an exemption for biological samples of *Dissostichus* spp. for scientific and research purposes that are not meant for market entry or commercial trade. SCIC noted that consensus could not be reached on this proposal and Korea would continue discussions during the intersessional period.

Conservation Measure 10-09

68. SCIC considered a proposal to amend CM 10-09 to include the intended port of landing in transshipment notifications as identified in the Secretariat's summary of technical requirements to apply a catch documentation scheme to krill (CCAMLR-42/BG/03) which highlighted that the inclusion of this information would improve the understanding of trade flows of krill products following transshipment. SCIC did not reach consensus on this proposal and it was referred to the Commission for further consideration.

Conservation Measure 10-10

69. SCIC considered the proposal by the Secretariat to amend CM 10-10 (CCAMLR-42/07 Rev. 2) to include the compliance status of 'No consensus reached' in the compliance status categories listed in Annex B. SCIC noted that this should only be utilised by SCIC or the Commission when considering compliance reports and after reasonable efforts to reach consensus have been made. Additionally, SCIC considered a proposal to amend CM 10-10 to clarify the process and timing for Contracting Parties to submit information to the Secretariat for consideration in the compilation of Draft CCAMLR Compliance Reports. SCIC endorsed the proposals and referred them to the Commission for adoption.

Conservation Measures 21-01 and 21-02

70. SCIC considered the proposal by the EU to amend CMs 21-01 and 21-02 (CCAMLR-42/27). The proposed changes were to specify in CM 21-01 that the presence of a scientific observer on board is required for new fisheries, and to specify in CM 21-02 that the scientific observers should be appointed in accordance with SISO. SCIC did not reach consensus on the proposal and referred it to the Commission for further consideration.

Conservation Measure 23-05

71. SCIC considered and endorsed the proposal by the Secretariat (CCAMLR-42/12) to retire CM 23-05, given that the data reporting requirements within the measure have been superseded by biological data collected at both a finer spatial and temporal scale under the SISO requirements, which are contained in various conservation measures currently in force. The proposal recommended the removal of the reference to CM 23-05 along with conforming amendments to the following conservation measures: CM 24-01, Annex CM 41-01/A, CM 41-03, CM 41-04, CM 41-05, CM 41-06, CM 41-07, CM 41-09, CM 41-10, CM 41-11, CM 42-01 and Annex 51-04/A. SCIC endorsed the amendments and referred them to the Commission for adoption.

Conservation Measure 24-01

72. In addition to the removal of the reference to CM 23-05 in CM 24-01 (paragraph 71), SCIC considered the Secretariat's proposal (CCAMLR-42/11) to revise CM 24-01 to include vessel movement notifications for research fishing conducted under CM 24-01, paragraphs 18 to 20 and Annex 1. SCIC endorsed and recommended the proposal to amend CM 41-01 to the Commission for adoption.

Conservation Measure 31-02

73. SCIC noted the proposal by the Russian Federation to amend CM 31-02 (CCAMLR-42/20) to clarify the management procedures regarding the delayed retrieval of longline gear after fisheries close in Subareas 88.1 and 88.2. Some Members expressed appreciation for the paper and noted that it contained some good ideas, but further work was required. SCIC did not reach consensus on the proposal and referred it to the Commission for further consideration.

Conservation Measure 41-01

74. In addition to the removal of the reference to CM 23-05 in CM 41-01 (paragraph 70), SCIC considered the proposal by several Members to amend CM 41-01.

75. SCIC considered a proposal by the EU to define the calculation of the distance between the midpoints of the line which is utilised in the assessment of the distance separating each

research haul as per CM 41-01, Annex B, paragraph 5 (i), to address a compliance issue with CM 41-01, Annex B, that had been considered in the CCEP. SCIC endorsed the revision of CM 41-01 and referred it to the Commission for adoption.

76. SCIC considered a proposal by Korea to clarify that Research Plans undertaken as per CM 24-01 shall take precedence over the requirements of CM 41-01, Annex B, paragraph 4, to address a compliance issue with CM 41-01, Annex B, that had been considered in the CCEP. SCIC endorsed the revision of CM 41-01 and referred it to the Commission for adoption.

77. SCIC considered a proposal by Australia to clarify the responsibility of vessels under CM 41-01, Annex B, where safety issues arise or to prevent gear loss, and a research haul may have to be aborted to address a compliance issue with CM 41-01, Annex B, that had been considered in the CCEP. SCIC endorsed the revision of CM 41-01 and referred it to the Commission for adoption.

Conservation Measure 51-01 and 51-07

78. SCIC considered the proposal by Ukraine (CCAMLR-42/42 Rev. 1) to amend CM 51-01 (Annex 1) and CM 51-07 (CCAMLR-42/17) to apply an interim distribution of the trigger level in the fishery to the continuous fishing system fishery within Area 48.

79. SCIC noted that such a proposal was beyond the remit of SCIC to provide advice, and that additional information and further work would be required before proposing any changes to the management of this fishery.

Conservation Measure 51-06

80. SCIC considered the proposal from the delegations of Australia, New Zealand, the United Kingdom, and the USA (CCAMLR-42/33 Rev. 1) to update CM 51-06, to require at least one observer on every vessel be appointed under the Scheme of International Scientific Observation (SISO).

81. China expressed the view that national observers trained to carry out the data collection requirements assigned to SISO observers should be considered a SISO observer.

82. Several Members disagreed with this position, noting that although both national and SISO observers may be subject to the same rigorous training standards, the text of the CCAMLR SISO is clear that observers can only be considered SISO observers if they are placed onboard a vessel of another Member.

83. Despite extensive discussions on this topic SCIC did not reach consensus on this issue or the proposal. The proposal was referred to the Commission for further consideration.

Conservation Measure 51-XX

84. SCIC considered the proposal by the delegations of Australia, New Zealand and the USA to create a new conservation measure (CM 51-XX) (CCAMLR-42/30 Rev. 1) which would present a table listing the number of vessels per Member notified to participate in fishing activities for *Euphausia superba* in Subareas 48.1, 48.2, 48.3 and 48.4 and Divisions 58.4.1 and 58.4.2. SCIC noted that this information is currently available on the CCAMLR public website and the proponents withdrew the proposal.

Labour and safety standards

85. SCIC considered the paper (CCAMLR-42/BG/26) presented by the USA, which proposed the establishment of an e-group to facilitate discussion and information sharing on relevant standards and best practices to improve vessel safety and the standards for fair and decent working conditions for all crew onboard CCAMLR fishing vessels.

86. Many Members recalled that the wellbeing of the crew is directly relevant to the operation of vessels participating in CCAMLR fisheries and, therefore, CCAMLR should seek to align itself with other bodies that are actively working to address this issue. Many Members recalled that it is not unprecedented for CCAMLR to consider such issues, as CCAMLR has passed provisions in both binding measures and resolutions to address vessel safety and expressed the view that this issue is within CCAMLR's area of competence.

87. Some Members noted that the International Maritime Organization (IMO) and International Labour Organization (ILO) are the bodies with a clear mandate to address this issue. China indicated that it could not support establishment of an e-group.

88. Consensus could not be reached on the proposal. SCIC thanked the USA for their proposal and some Members supported continued informal discussions among interested Members and industry stakeholders.

CCAMLR Compliance Evaluation Procedure (CCEP)

89. SCIC noted the Secretariat's report and analysis on the CCEP (CCAMLR-42/07 Rev. 2) for the consideration of SCIC-2023. The report noted an overall high rate of compliance (96%) across the majority of conservation measures, with 49 potential issues identified in the implementation of 12 conservation measures, involving 18 Contracting Parties for the compliance reporting period (1 July 2022 to 30 June 2023).

90. SCIC noted the Secretariat's request for clarification on whether to assess compliance on DEDs and DREDs which were identified during the e-CDS upgrade progress as incomplete. If completed now, these incomplete documents would be identified in the Secretariat's compliance analysis procedures. SCIC advised a moratorium on compliance assessments should be put in place for DED and DREDs older than two years, recognising that this is an administrative matter. SCIC requested the Secretariat to continue working directly with

Contracting Parties and non-Contracting Parties participating in the CDS to address the issue. SCIC also requested parties to respond to inquiries from the Secretariat regarding the appropriate disposition of incomplete documents (e.g., deletion of duplicates, archiving).

91. Argentina made the following statement:

‘Argentina wishes to express its concern in relation to the Summary CCAMLR Compliance Report. We recall that Argentina advised in both COMM CIRC 23/50 and COMM CIRC 23/77, in May and July, respectively, about fishing for toothfish this season in CCAMLR Subarea 48.3 by the British-flagged fishing vessels *Argos Helena*, *Nordic Prince* and *Argos Georgia*, without having a conservation measure that enables it, and therefore in violation of the CAMLR Convention, and in particular of CM 31-01. Subsequently, in COMM CIRC 23/95 and COMM CIRC 23/101, Argentina again requested to the Secretariat that these three vessels be included in the Summary Compliance Report.

Argentina would also like to note that the Secretariat, in its COMM CIRC 23/58 dated 2 June, did not establish a time limit for Members to refer cases of non-compliance. In addition, in recent years the Secretariat has maintained the usual practice of sending the “Draft CCAMLR Compliance Report” at the end of the deadline established by CM 10-10, that is, 75 days before the start of the meeting, which in 2023 was on the 2nd of August. This year the Secretariat clearly departed from this practice, sending said Report 12 days before this date (on July 21), without previously informing the Parties. Argentina’s Note is dated July 25, so taking into account the above, we consider that Argentina complied with the deadlines established by the conservation measure. In subsequent COMM CIRCs we requested a Rev. 1 of the Draft Compliance Report, however this was not done by the Secretariat.

Argentina wishes to point out that the aforementioned three British-flagged vessels are not included in the Report because the Secretariat changed without consultation the dates that we have established for a long time for its circulation. For this reason, Argentina was negatively impacted. Argentina hopes that in the future the Secretariat will not modify historically established customs and that, if it does so, it will notify Members in advance to prevent them from being harmed.

Finally, we are open to any suggestions that help us all have the predictability, objectivity and transparency, necessary to work efficiently and to ensure that no party is harmed.’

92. Argentina made the following statement:

‘The three UK-flagged ships did not comply with CM 31-01. This conservation measure determines that the Commission must adopt catch limits or other equivalent measures to regulate fishing in Subarea 48.3. Because CM 41-02, which allows for the implementation of CM 31-01, was not readopted in 2022, there is no logical way to comply with CM 31-01. Argentina considers that these three cases of non-compliance related to UK-flagged vessels fishing this season in Subarea 48.3 should be classified as “serious non-compliance” (Level 3) in the CCAMLR Provisional Compliance Report that SCIC adopts to submit for the consideration of the Commission.’

93. The UK made the following statement:

‘The United Kingdom rejects any suggestion that the Patagonian toothfish fishery within the South Georgia & the South Sandwich Islands maritime zone within Subarea 48.3 is being operated in contravention of the CAMLR Convention or any conservation measure. The United Kingdom reiterates the detailed reasoning it has previously given for this position, including in COMM CIRCs 22/51 and 23/97, as well as at last year’s meeting of the Commission.

In particular, the United Kingdom rejects any suggestion that the fishery is being operated in contravention of CM 31-01. Consistent with its previous statements on this issue, including in COMM CIRC 22/51, the United Kingdom reiterates that CM 31-01 does not require there to be a positive authorisation from the Commission for fishing within Subarea 48.3. Rather, CM 31-01 expects that the Commission will consider for each season whether limitations on catch, or equivalent measures, are required for a particular species – and, in accordance with the Convention, to do so on the basis of the best available science. However, the adoption of such a measure is a matter for the Commission, and is therefore subject to the Convention and the Commission’s rules of procedure. It does not second-guess whether or how the Commission will decide to act. Accordingly, if the Commission cannot achieve consensus on the adoption of a measure, then no CCAMLR limitation on catch, or equivalent measure, will apply. That is the only interpretation consistent with the language of the CM 31-01, with the rules of procedure, and with the long history of fishing in Subarea 48.3. This is why the UK has domestic management provisions for the area of 48.3 that falls within our jurisdictional waters.’

94. Ukraine reaffirmed its position that the failure to adopt a conservation measure to regulate fishing in Subarea 48.3, was a political decision that was not based on the best available science, and represented a bilateral disagreement between Members.

95. Argentina made the following statement:

‘Argentina deeply regrets that the United Kingdom avoided, once again, the consequences that must arise from actions contrary to CCAMLR rules in Subarea 48.3 this year, in particular the clear violation by its vessels of CM 31-01. We strongly ask all Members to prevent situations like these from being repeated in the future to ensure the proper functioning of this Convention.’

96. The USA made the following statement:

‘In our view, fishing in Subarea 48.3 should not take place unless an applicable CCAMLR conservation measure is in place to provide the necessary conditions on catch limits, by-catch limits, mitigation measures, data collection and reporting, and other requirements. For decades, no commercial fishing has occurred in the Convention area without an applicable fishery-specific measure. Conservation measures provide clarity, transparency, and accountability for fishing and other activities occurring in the Convention Area. We note that the uncooperative conduct of Russia the last couple of years goes against the way CCAMLR should function. CCAMLR Members have an obligation to base decisions on the best scientific evidence available. We are interested in working with all Members in finding a way forward to resolve this situation.’

97. Uruguay supported the statement made by the USA.

98. SCIC considered amendments to CM 10-10 to clarify the process and timing for Contracting Parties to provide input information for the Secretariat to compile Draft CCAMLR Compliance Reports.

Provisional Compliance Report

99. In accordance with CM 10-10, paragraph 3(i), SCIC considered the 49 potential compliance incidents in the CCEP Summary Report (CCAMLR-42/07 Rev. 2). Following consultation, SCIC adopted, for further consideration by the Commission, its annual Provisional Compliance Report (Appendix I) in accordance with CM 10-10. For most issues, SCIC agreed to assess the preliminary status provided by the relevant Contracting Party.

Conservation Measure 10-02

100. SCIC considered the implementation of CM 10-02 by the UK regarding the licensing of vessels to operate in the Convention Area.

101. Argentina noted that it did not recognise any alleged Government of South Georgia and the South Sandwich Islands. Argentina also noted that they will be making a statement on this issue under the item 'Any other business' during the Commission.

Conservation Measure 10-03

102. SCIC considered the implementation of CM 10-03, paragraph 5, regarding the requirement for a port inspection to be conducted within 48 hours of port entry by South Africa for three identified issues. SCIC agreed to the preliminary compliance status of minor non-compliant (Level 1) for two issues and noted the third referred to a vessel that was not carrying AMLR species; SCIC agreed to the compliance status of compliant for that issue. Korea requested that the Secretariat consider the harvest location for the species reported in port inspection reports when processing and assessing such reports for compliance.

103. SCIC considered the implementation of CM 10-03, paragraph 8, by four Contracting Parties, regarding the transmission of a port inspection report to the Secretariat more than 30 days after the inspection date.

Conservation Measure 10-04

104. SCIC considered the implementation of CM 10-04, paragraph 2, by France regarding the requirement that each fishing vessel shall be fitted with an automatic location communicator (ALC) that meets the minimum standards contained in CM 10-04, Annex 10-04/C, and must be tamper proof.

105. SCIC considered the implementation of CM 10-04, paragraph 13, by China, France and New Zealand regarding the requirement for Flag States to notify the Secretariat within 24 hours of each entry to, exit from and movement between subareas of the Convention Area.

Conservation Measure 10-05

106. SCIC considered the implementation of CM 10-05, paragraph 6, by seven Contracting Parties regarding the prohibition on exporting or re-exporting toothfish without an accompanying *Dissostichus* Export Document (DED) or *Dissostichus* Re-Export Document (DRED).

107. In respect of the implementation of CM 10-05, paragraph 6, by Chile, Korea, New Zealand, Peru, the USA and Uruguay, SCIC agreed to the compliance status of minor non-compliant (Level 1) for all six issues.

108. In respect of the implementation of CM 10-05, paragraph 6, by Peru, SCIC noted that Peru had not provided a response to their draft compliance report and had attended CDS online training conducted by the Secretariat in 2022. SCIC noted that Peru had submitted a response during the meeting that would be circulated as a Commission Circular as soon as possible.

109. Uruguay thanked the Secretariat for providing support and training for the CDS and noted their intent to train more officers in the CDS system to ensure documents are issued in a timely manner.

Conservation Measure 10-09

110. SCIC considered three Contracting Parties' implementation of CM 10-09, paragraph 2, which provides that each Contracting Party as a Flag State shall notify the Secretariat at least 72 hours in advance if any of its vessels intend to tranship within the Convention Area.

111. SCIC considered three Contracting Parties' implementation of CM 10-09, paragraph 5, which provides that each Flag State shall confirm the information provided in a transshipment notification, in accordance with paragraphs 2 or 3 to the Secretariat within 3 working days of having transhipped.

112. SCIC noted the Panamanian response for two of the issues were documented and referred to their respective legal department for initiation of administrative sanctions. SCIC requested that the Republic of Panama report back to SCIC with additional information on the status of sanctions applied for these issues.

113. SCIC considered two Contracting Parties' implementation of CM 10-09, paragraph 8, which prohibits a vessel to tranship within the Convention Area where a prior notification has not been provided.

114. SCIC noted that for three Panamanian issues identified the prior notification had been sent to the Secretariat, but due to a technical error they were blocked by the email spam filter.

SCIC noted that the Secretariat has taken action to address the technical error and prevent a repeat occurrence in the future.

Conservation Measure 21-03

115. SCIC considered the implementation of CM 21-03, paragraph 2, by Norway, which states the vessel notification shall include the information prescribed in paragraph 3 of CM 10-02 in respect of each vessel proposing to participate in the fishery.

Conservation Measure 22-07

116. SCIC considered the implementation of CM 22-07, paragraph 9, by Japan, which states that a VME Risk Area shall remain closed for any fishery until reviewed by the Scientific Committee and management actions are determined by the Commission.

117. Japan noted that it had taken measures to strengthen domestic regulations and the fishing vessel would implement voluntary preventive measures to ensure that hauling of gear would not take place within a risk area by establishing buffer zones of no fishing and of precautionary notification of entry around a VME risk area of an additional 0.5 n miles.

118. SCIC noted that the retrieval of gear within the VME risk area was due to operational reasons beyond the vessel's control and further noted that the lines had been set outside of the VME risk area. SCIC agreed to assign a compliance status of compliant.

Conservation Measure 25-03

119. SCIC considered the implementation of CM 25-03, Annex 25-03/A, paragraph (iv), by Norway, which requires that observation of strikes on the net monitoring cable and warp must achieve on-vessel observation coverage of at least 5% of total active fishing time. SCIC sought further advice from the Chair of the Scientific Committee, as referred to under Agenda Item 7, paragraphs 172 to 175.

Conservation Measure 26-01

120. SCIC considered the implementation of CM 26-01 paragraph 5, by Chile, which requires that any packaging bands once removed shall be cut into approximately 30 cm sections and burned in the on-board incinerator at the earliest opportunity.

Conservation Measure 33-03

121. SCIC considered the implementation of CM 26-01 paragraph 5, by Ukraine, which requires a vessel to move 5 n miles where the by-catch of any one species is equal to or greater

than 1 tonne and shall not return to any point within the 5 n miles where the by-catch exceeded 1 tonne for a period of at least 5 days.

Conservation Measure 41-01

122. SCIC considered the implementation of CM 41-01, Annex B, paragraph 5 (i), by Spain which requires that each research haul must be separated by not less than 3 n miles from any other research haul with the distance to be measured from the geographical midpoint of each research haul.

123. The EU noted that the conservation measure was unclear about how the distance between the midpoints of the lines should be calculated considering that lines are not set in a linear fashion. The EU further noted that footnote 2 permitted 50% of research lines to be set within 3 n miles and that in this instance 54% of research hauls were set within the 3-nautical mile limit whereby the slight overshoot could be due to the non-linear way in which lines are set.

124. SCIC agreed to assign a compliance status of ‘Need for interpretation by SCIC’ and considered a revision of CM 41-01 to clarify that it is the calculated geographical midpoint of a set/haul that is to be used in assessing the implementation of this provision, and that the calculated geographical midpoint is to be determined as the point half-way between the reported start and end setting positions, assuming a straight line between these two positions.

125. SCIC considered the implementation of CM 41-01, Annex B, paragraph 5 (ii), by Korea and Ukraine, which requires that designated research hauls shall comprise for longlines at least 3 500 hooks and no more than 5 000 hooks.

126. Korea and Ukraine noted that scientific research in Subarea 88.3 is governed by CMs 24-01 and 24-05 and not by Annex B of CM 41-01. SCIC sought further advice from the Chair of the Scientific Committee, as referred to under Agenda Item 7, paragraph 175 and confirmed the compliance status of compliant assigned by Korea and Ukraine.

127. SCIC considered the implementation of CM 41-01, Annex B, paragraph 5 (ii) and paragraph 5 (iii) by Australia. Paragraph 5 (iii) requires that each research haul must have a soak time of not less than six hours (360 minutes), measured from the time of completion of the setting process to the beginning of the hauling process.

128. SCIC noted that the vessel encountered operational issues with the deployment of its fishing gear during two setting events and as a result had aborted setting procedures. SCIC agreed to assign a compliance status of ‘No compliance status assigned’ and considered amendments to CM 41-01 to permit aborting of research hauls due to safety concerns and the prevention of gear loss.

Conservation Measure 91-05

129. SCIC considered the implementation of CM 91-05, paragraph 24, by Spain, which requires Flag States to notify the Secretariat prior to entry of their fishing vessels into the Ross

Sea marine protected area (MPA). The EU noted the error in the Contracting Party response and clarified it was a 3 hour and 18-minute delay from reporting an entry into the MPA.

Review of CM 10-10

130. SCIC noted the Secretariat's review of CM 10-10 in relation to compliance statuses in CCAMLR-42/07 Rev. 2 and endorsed the recommendation to include the status 'No consensus reached' to CM 10-10, Annex B. SCIC agreed the status of 'No consensus reached' cannot be applied by Contracting Parties in their response to the Draft CCAMLR Compliance Reports and can only be applied by SCIC or the Commission as a last resort. SCIC recalled that there had been a number of notable instances in previous years where SCIC was unable to reach consensus on individual items and noted that this inclusion would save time for SCIC in its implementation of the CCEP and, if adopted by the Commission, will be available next year.

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

Implementation of CM 10-08

131. SCIC noted the report on the implementation of CM 10-08 (CCAMLR-42/13), identifying 17 instances where a report may have been required under CM 10-08 but was not documented as having been provided. SCIC expressed its appreciation to the Secretariat for the report and noted the importance of Contracting Parties meeting their obligations under CM 10-08, highlighting that beneficial ownership is essential to understand and noting that captains, fishing masters and beneficial owners are often of different nationalities than the Flag State of the vessel associated with IUU activities. SCIC recommended that the Secretariat continue to report on the implementation of CM 10-08.

132. Spain thanked the Secretariat and other Contracting Parties for the assistance in carrying out its investigations, recognised the challenges presented when there is a lack of information or indefinite understanding of data towards this work and provided the following statement with information regarding Spain's implementation of CM 10-08:

- (i) *El Shaddai* – Spain notes that there was evidence that a Spanish national was registered as the fishing master. An investigation has been undertaken but due to the fact that administrative actions prescribed according to national legislation no further actions could be carried out. However, Spain received the email address for a point of contact in South Africa to further discuss the matter in order to investigate and initiate criminal proceedings as appropriate.
- (ii) *Amorinn (ex-Iceberg II)* – The information provided by CCAMLR dates from 2003-2004 and therefore exceeds Spain's statute of limitations.
- (iii) *Antony (ex-Urgora)* – The *Antony* along with the *Northern Warrior*, was a focus of 'Operation Flags' which noted that the company World Oceans Fishing SL is the sole administrator, owner, operator, and manager of the *Antony*. As a result of an investigation in 2016 the *Antony* was inspected in the port of Vigo and had infractions applied to it for the operation of a Stateless vessel, submission of false

documents and participation in joint operations with an IUU Listed Vessel, the *Itziar II. Antony* was included in CCAMLR's NCP-IUU vessel list at the request of Spain and is currently being held in the Vigo dock where the Port Authority of Vigo has requested a report on the possible declaration of abandonment to facilitate the auction and scrapping of the vessel.

- (iv) *Challenge (ex-Perseverance)* – Upon CCAMLR's inclusion of the *Perseverance* in the NCP-IUU Vessel List, Spain issued a sanctioning decision imposing a penalty on the Spanish company Oceanic Fishing S.A., owner of the vessel *Perseverance*. Additional sanctions were applied to the Panamanian owner of the vessel *Mar De Neptuno* and the skipper of Chilean nationality in command of the vessel when it entered the port of Vigo without requesting authorisation to enter the port, and the Panamanian company that was listed as the owner of the vessel *Mar De Neptuno*. A judgement was handed down confirming the sanction imposed on the Spanish company Oceanic Fishing S.A., which owned the vessel. As a result of the information received that this person was listed as the 'operator' of the vessel *Perseverance*, he was requested to report on the relations he had with the vessel in question and with the Panamanian trading company Mar de Neptuno, which owned the vessel. The same request was made to the legal representative of the aforementioned company, who denied the existence of any relationship between his clients and Mr. Juan A. Argibay Pérez. Through the Embassy of Spain in Panama, information was requested from this country about the companies that owned the *Perseverance*, so that all the certificates were obtained. Information was also requested from the General Directorate of the Police as to whether any of the three persons listed in the documentation of the Panamanian Commercial Registry as directors of the aforementioned commercial companies were Spanish nationals. That body replied in the negative. Although the link between the operator and the *Perseverance* vessel could not be accredited, this person has been sanctioned within the framework of Operation SPARROW, for his link with the illegal fishing vessel *Viking*, which has been included in the list of IUU vessels CCAMLR since 2004. He was charged with the commission of a very serious offence, for his participation in the operation, management, and ownership of the vessel *Viking*.

133. Spain reiterated its commitment to the fight against IUU fishing and requested the information on these nationals be updated.

134. Korea thanked the Secretariat for the paper and provided an update to the ownership information of the vessel *Nika*, indicating the owner of the vessel to be Marine Fisheries based in the Marshall Islands. Korea requested this information be updated accordingly.

135. SCIC reminded Contracting Parties of their obligations under CM 10-08 and continued to encourage that reports be submitted in line with paragraph 3 of CM 10-08. While SCIC recognised the value of having appropriate reporting mechanisms available to facilitate this reporting, SCIC did not reach consensus on the recommendations to task the Secretariat to review additional reporting options. SCIC noted the recommendation to consider the feasibility of submission deadlines or interim reporting requirements, but recognised that there may be varying lengths of time required for Contracting Parties to undertake appropriate formal action within their domestic processes and did not consider further work was needed in this regard.

Current level of IUU fishing

136. SCIC noted the Secretariat's overview of CCAMLR data holdings for the purposes of undertaking IUU risk assessments and supporting monitoring control and surveillance (MCS) activities, as provided in CCAMLR-42/BG/13 Rev. 1. SCIC noted the various data sources available to Contracting Parties for the planning and undertaking of surveillance and inspection activities and further noted that Contracting Parties could consider making this guide available to the individuals responsible for the planning and undertaking of MCS activities.

137. SCIC considered the interim report submitted by INTERPOL (CCAMLR-42/BG/14) where INTERPOL reported an update on progress of ongoing activities. SCIC expressed appreciation for INTERPOL's work and supported further cooperation between CCAMLR and INTERPOL.

138. SCIC considered the information in CCAMLR-42/BG/15 which provided the basis for Member discussion and consideration to identify opportunities for enhancing collaboration and information sharing within CCAMLR, as well as identifying opportunities to increase available information flow from outside CCAMLR.

139. SCIC noted the ongoing cooperation with international and regional organisations by the Secretariat to combat IUU fishing and enhance compliance monitoring as reported in CCAMLR-42/BG/16.

IUU Vessel Lists

NCP-IUU Vessel List

140. SCIC considered the Provisional NCP-IUU Vessel List as reflected in CCAMLR-42/15 Rev. 2.

141. SCIC noted that one new vessel, the *Cobija* (ex-Cape Flower; IMO 7330399), was included on the Draft NCP-IUU Vessel List as per CM 10-07, paragraph 9(iv), for reportedly engaging in fishing activities in Division 58.4.3b between February and June 2020 contrary to any other CCAMLR conservation measure in a manner that undermines the attainment of the objective of the Convention according to Article XXII of the Convention. SCIC acknowledged that the *Cobija* was included on the Draft NCP-IUU Vessel List based on information provided to the Secretariat by the International MCS Network's Joint Analytical Cell (JAC) and noted the additional information provided on the matter by Panama, INTERPOL, Mauritius and Bolivia.

142. SCIC thanked those who contributed relevant information and recommended the *Cobija* be included in the Proposed NCP-IUU Vessel List to the Commission (Appendix II).

CP-IUU Vessel List

143. SCIC considered the Provisional CP-IUU Vessel List as reflected in CCAMLR-42/15 Rev. 2, which noted that no new additions had been included in the list.

144. Argentina made the following statement:

‘Argentina would like to refer to an issue that is not new and is known to all Members, namely the United Kingdom-flagged vessels that fished for toothfish in Subarea 48.3 this season without an authorising conservation measure. In May of this year, Argentina presented COMM CIRC 23/50, in which it advised that all fishing directed at *Dissostichus eleginoides* in Subarea 48.3 would be illegal as it would not be carried out under the protection of a conservation measure that authorises it, thus violating CM 31-01 and, therefore, the CAMLR Convention. In addition, the United Kingdom officially reported that this season there would be fishing activity for toothfish in Subarea 48.3, and Russia sent a Note, also in May, in which it indicated that such fishing would be illegal. The above seemed to us sufficient reason for the vessels *Argos Georgia*, *Argos Helena* and *Nordic Prince* to be included in the Draft CP-IUU Vessel List, but this was not the case.

In this regard, taking into account the provisions of CM 10-06, paragraph 10, Argentina sent additional COMM CIRCs, respecting the indicated deadlines, so that the aforementioned vessels could be incorporated to the CP-IUU vessel list, but they were not.’

145. The UK made the following statement:

‘Conservation Measure 10-06 sets out a clear, agreed, sequence of events for the preparation of IUU vessel lists. The Secretariat prepares the Draft IUU Vessel List on the basis of the information that it has received and, once distributed, it cannot be amended. Neither can additional vessels be added in the creation of the Provisional IUU list. Paragraph 10 permits Members to later submit additional information, including information about additional vessels, but paragraph 12 is clear that this is considered by SCIC alongside the Provisional IUU list. It is then for SCIC to decide whether those vessels should feature on any list.

Conservation Measure 10-10 also sets out a clear, agreed, sequence of events for the Compliance Evaluation Procedure. Once the Secretariat has circulated a Draft Compliance Report to the Member concerned, there is no provision for it to be reissued on receipt of new allegations of non-compliance.

In the case of the UK registered vessels mentioned just now by Argentina, the UK entirely rejects the assertion that these vessels meet the criteria to be included on the Proposed CP-IUU list.

The United Kingdom also notes that it has previously set out its position rejecting entirely the substance of the alleged non-compliance in this instance, including in COMM CIRCs 23/97 and 22/51.

As the Secretariat has just confirmed, the UK also notes that these issues were discussed extensively last year and no consensus could be reached, so we agree that they have no mandate to make such a determination in its activities under CM10-06 or CM 10-10.

The above said, the UK respects the right of Argentina to raise this matter for discussion at SCIC and the UK will further respond on the matters of substance at the appropriate time.'

146. Ukraine made the following statement:

'Concerning evaluation of fishing vessels activities in the Subarea 48.3, we should note our common approach.

As earlier, we consider the situation in the CCAMLR conservation measures regarding toothfish fishery in the Subarea 48.3, as it is so, that is very far from real stock precautionary needs. This situation has been caused by blocking relevant conservation measure prolongation by the Russian Federation, and it should be considered rather as a technical attack by one CCAMLR Member in relation to the other CCAMLR Member, and it has just political reasons. Stating as a fact, that a such destructive Russian action has pushed an issue of toothfish fishery in Subarea 48.3 from the CCAMLR responsibility area to the bilateral area, we would note, that a view on sovereign rights of the UK or Argentina concerning some territories in the Subarea 48.3 is out of competence of Ukrainian delegation to the CCAMLR. This aspect is considered by us as an important reason why the Ukrainian delegation refrains from support of the initiative to include the UK's fishing vessels, which took part in toothfish fishery in the Subarea 48.3 within the fishing season 2022/2023, to the IUU vessel list, and this approach would be absolutely the same in case of Argentina vessels similar activities.'

147. Argentina further stated:

'Argentina reiterates its request to include UK-flagged vessels on the Proposed CP-IUU Vessels list, as they fished in contravention of the CCAMLR legal framework, thus contributing to diminishing the effectiveness of our organisation's conservation measures. These vessels did not comply with current conservation measures, as they breached CM 31-01 (1986) by fishing for toothfish in Subarea 48.3 in 2022 without an authorising Commission conservation measure. Likewise, they carried out fishing activities in a fishery that was closed because CM 41-02 was not readopted in 2022. Specifically, the vessels carried out prohibited activities according to subsections (iii) and (viii) of paragraph 5 of CM 10-06, as they fished in closed areas and in violation of CM 31-01.

Argentina notes that only one Member, the United Kingdom, fished in Subarea 48.3 despite knowing that CM 41-02 had not been readopted and that CM 31-01 requires for fishing to be authorized by a conservation measure. It is also important to note that other Members that fished there in the past did not do so in these years, and that other Members have refused to import toothfish from this fishery, knowing that such actions were contrary to CCAMLR.

The unilateral measures taken by the United Kingdom are not authorised by the Statement by the Chairman of the CAMLR Conference in 1980 or by international law,

given the existence of a sovereignty dispute between Argentina and the United Kingdom over this area. Likewise, Argentina considers that this constitutes a serious contravention of CCAMLR regulations, and that firm and clear actions must be taken to prevent events of this nature from being repeated in the future.

The argument that the absence of an express prohibition on the exploitation of a fishery allows captures to be carried out despite the absence of a conservation measure that authorises it is not only contrary to CCAMLR but also very dangerous. If this reasoning is applied, and based on these British actions, any Member could block consensus on a conservation measure, thus obtaining free rein to fish outside the CCAMLR framework. It is clear, then, that this justification is contrary to the objective of CCAMLR, the principles that guided its adoption and the practice of the organisation in the last four decades.

In principle, Argentina agrees with the United Kingdom and other Members that there was only one party that did not allow a conservation measure to be adopted, Russia, which created an undesirable situation. However, the attitude of one Member, in this case Russia, cannot justify another Member taking unilateral measures that go against the CAMLR Convention.’

148. Uruguay made the following statement:

‘Uruguay supports the Argentinian position on this issue. Both form and substance are linked in it. Uruguay understands that, given the absence of the relevant conservation measure, the vessels in question should not fish in that area. Otherwise, what is the purpose of adopting conservation measures? We understand that the principle of “everything which is not forbidden is allowed” does not apply in this case, and we base that position on the very reason for the existence of the conservation measures, namely, conservation — the very objective of the Convention.’

149. Brazil and China aligned themselves with the views of Argentina, highlighting that unilateral actions could only aggravate conflict and dispute, running counter to the letter and spirit of the Convention.

150. The UK made the following statement:

‘So in response to Argentina, Uruguay, Brazil and China, the UK reiterates that as set out in COMM CIRC 23/97, and reflecting the position that we have previously set out at length and reflected in the report and outcome of the last CCAMLR meeting, the United Kingdom entirely refutes any assertion that the UK vessels operating with the South Georgia toothfish fishery, under licence from UK authorities, can be characterised as illegal, unreported or unregulated (IUU) under Conservation Measure (CM) 10-06.

There is no basis on which any of these vessels might be presumed to have engaged in any of the activities referred to in paragraph 5 of CM 10-06. In particular, the UK refutes the suggestion that they have fished in contravention of any conservation measure, including CM 31-01. They have participated in a fishery being managed so as to comply fully with the CAMLR Convention and all conservation measures that have been

adopted under it, and subject to a catch-limit at least as precautionary as that which would have been adopted by the Commission, but for Russia's actions at the last meeting of the Commission.

The UK has no doubt about its sovereignty position, which is well known to all delegates.

Although fishing in the Convention Area must be conducted in accordance with the principles of conservation, the Convention itself contains no prohibition on fishing, or requirement that fishing be positively authorised. Any such prohibition or requirement for authorisation must instead be found in a conservation measure.

The UK therefore entirely rejects the assertion that these vessels meet the criteria to be included on the Proposed CP-IUU list.'

151. Norway echoed the UK in highlighting the cause of these problems arising from the behaviour of a third party over many years. Norway recalled the objective of CCAMLR, clearly stated in Article II, that is, to conserve of Antarctic marine living resources, including rational use. SCIC discussions should focus on questions relevant to CCAMLR. Finally, Norway concluded that it did not agree with the view by some Members that the non-renewal of CM 41-02 resulted in a general prohibition or closure of the fisheries in Subarea 48.3. Norway recalled Ukraine's intervention and provided support to the political themes raised.

152. Korea expressed the view that the absence of conservation measures should not mean fisheries are automatically closed or prohibited without thorough consideration of the relevant context and other alternative measures and additional consideration is needed by the Commission.

153. Argentina made the following statement:

'Argentina regrets that the United Kingdom rejects the inclusion of the vessels *Nordic Prince*, *Argos Helena* and *Argos Georgia* in the Proposed CP-IUU list, when it is clear that these vessels fished in violation of the CCAMLR legal framework, thus contributing to undermining the effectiveness of our organisation's conservation measures. As already explained here at last year's Meeting, and in detail in CCAMLR-41/BG/36, these vessels are not complying with current conservation measures, since they violate Conservation Measure 31-01 (1986) by fishing for toothfish in Subarea 48.3 in 2023 without an authorising Commission conservation measure.

The letter and spirit of CM 31-01 mandate that the conditions for fishing for *Dissostichus eleginoides* in Subarea 48.3 must be determined by the Commission on the basis of the most accurate scientific data available, and by consensus. Catch limits for fisheries – among other conditions – are set multilaterally within the framework of our organisation. This is why the UK's reasoning regarding the toothfish fishery this season in Subarea 48.3 is so detrimental, as it ends up undermining the implicit consensus on the need to fish in the Convention Area within a catch limit set by CCAMLR.

Precisely as indicated in CM 31-01, no Member has the right to unilaterally establish the fishing conditions for a fishery permitted in Subarea 48.3, including the maximum

catch limit. However, that is exactly what the United Kingdom did this season, arrogating to itself the right to unilaterally define all the parameters which were included in CM 41-02.

If this situation continues, this Convention runs serious risks of halting the progress achieved over the last four decades in the management of Antarctic marine living resources.’

154. SCIC noted that no consensus was achieved for the inclusion of the UK-flagged vessels *Argos Georgia*, *Argos Helena*, and *Nordic Prince* on the Proposed CP-IUU Vessel List.

155. SCIC considered COMM CIRC 23/113 which provided a summary of the actions undertaken by South Africa in respect of the South African flagged vessel *El Shaddai* and a request to remove the vessel from the CP-IUU Vessel List as per CM 10-06, paragraph 14 (ii) and (iv).

156. South Africa noted that the South African Director of Public Prosecutions declined to prosecute the vessel due to its understanding that the vessel was permitted fish in FAO Area 51, CCAMLR Subareas 58.6 and 58.7, and the high seas. Furthermore, South Africa stated that it had undertaken a number of measures to prevent similar activities from occurring again, notably:

- (i) corrections and addition to high seas fishing licences
- (ii) enhancing conditions of Patagonian toothfish permits and conditions
- (iii) updating the vessel monitoring system to specifically include RFMO boundaries
- (iv) engagement with owners, rights holders and representatives of the *El Shaddai*
- (v) commitment to the amendment of the Marine Living Resources Act.

157. Australia noted that the request for delisting would be more appropriately considered under CM 10-06, paragraph 14 (iv), and not CM 10-06, paragraph 14 (ii), because South Africa had not taken effective action in response to the IUU activities, as no prosecution had occurred, nor any sanctions imposed. Regarding potential grounds for removing the vessel from the CP-IUU Vessel List under CM 10-06, paragraph 14 (iv), Australia expressed concerns as to whether the measures South Africa had taken were sufficient to ensure the vessel would not engage in IUU fishing. Australia noted that the scope and area of application of the high seas licenses and fishing permits submitted by South Africa were unclear, including their application to the CCAMLR Area.

158. Some Members agreed with Australia and expressed thanks to South Africa on the information provided and actions taken thus far, but noted that there was insufficient basis to remove the vessel from the CP-IUU Vessel List, in part because the actions undertaken by South Africa are ongoing. These Members encouraged South Africa to continue to explore avenues by which action could be pursued, including administrative and civil action against the vessel owner, and invited South Africa to report back to SCIC on further changes brought to the new high seas licences and fishing permits and to the relevant legislation to demonstrate that the requirements of CM 10-06, paragraphs 14(ii) or (iv) have been met.

159. Consensus was not reached to remove the *El Shaddai* from the CP-IUU Vessel List.

160. SCIC agreed that there were no changes to the CP-IUU Vessel List adopted at the previous meeting. The CP-IUU Vessel List adopted at CCAMLR-41 is provided in Appendix III for consideration by the Commission.

Fishery notifications

161. SCIC noted the Secretariat's report on fishery notifications for 2023/24 (CCAMLR-42/BG/08 Rev. 1).

162. Noting the reported late submission of the VME impact assessment by Namibia for the notification for fishing activities for the *Helena Ndume* in Subarea 88.1 and 88.2, Namibia indicated it was surprised when the issue was raised. Namibia noted that, upon submission of the notification, an email was received indicating a successful submission of the notification. SCIC noted that additional information was provided to SCIC by Namibia (Appendix IV) explaining the challenges it had faced completing a notification for the first time. The notification for fishing activities for the *Helena Ndume* was referred to the Commission for further consideration.

163. Australia thanked Namibia for the further explanation. Australia noted that not all of the requirements of CMs 21-02 and 22-06 have been met, and specifically that a bottom fishing preliminary assessment had not been received by the Secretariat by 1 June. Australia recalled that in previous situations where incomplete or late notifications were submitted after 1 June the vessels were not permitted to fish. Australia further recalled the obligation of Contracting Parties in CM 22-06, paragraph 6.

164. The UK made the following statement:

‘In respect of the notification from the Russian Federation to participate in the Ross Sea toothfish fishery, the UK is concerned that the Russian Federation has yet to report back to SCIC or the Commission on a number of requests made in recent years regarding the conduct of its vessels. In particular, Russia has not provided any further information on the investigation and prosecution of the Russian national who captained the known IUU vessel *STS-50* as requested in SCIC-2018 (paragraph 108); did not provide relevant data and information to allow analysis of vessels participating in the Ross Sea (Subarea 88.1) when gear that had been set prior to the opening of the fishery was recovered as requested by SCIC-2019 (paragraph 119). Russia has also not provided further information relating to the conduct of the *Palmer* in 2021 (when the vessel was detected at the fishing location known as ‘Long Ridge’ in Subarea 88.1, north of 70 degrees South, at the time this area was closed to all fishing). Indeed, we have previously heard Russia question the validity of inspection and reporting about the conduct of this vessel. In that regard, the UK is concerned about whether the Commission can be reassured that the current notified Russian vessel will comply with CCAMLR regulations and respect the CCAMLR System of Inspection or the Scheme of International Scientific Observation. In light of this, the UK is not content to give consent to the participation of this vessel in the Ross Sea fishery this season and is interested to know if other Members are content to do so.’

165. Some Members also noted that they expected responses from Russia related to follow-up investigations on compliance issues raised previously in relation to the *Palmer*, amongst other issues, and this has raised doubts on their ability to exercise proper control of their vessels.

166. ASOC supported previous interventions with respect to the Russian notification and noted that given the evidence against the *Palmer*, and that no final report on investigations was provided, it would be an unfortunate precedent for this notification to proceed.

167. SCIC recommended all notifications to the Commission, except those for the Russian-flagged vessel *Yugo Vostok 5* and the Namibian-flagged vessel *Helena Ndume*, for which consensus could not be reached.

Advice from the Scientific Committee to SCIC

168. SCIC considered advice from the Chair of the Scientific Committee (Dr D. Welsford (Australia)) on several topics, including fishing notifications, trigger limits, tag overlap statistics, net monitoring cables, observation coverage, and research plans.

Fishing notifications

169. The Chair of the Scientific Committee noted the issue regarding the late submission of a Vulnerable Marine Ecosystem (VME) impact assessment by Namibia in their fishing notification to conduct bottom fishing in Subareas 88.1 and 88.2. The Chair of the Scientific Committee noted that the Scientific Committee did not have the time to review any VME impact assessments for this year, and noted that this would be a matter for the Commission to provide further advice on.

Trigger limits

170. The Chair of the Scientific Committee advised SCIC of the discussions concerning the proposed revisions to CM 51-07 on trigger limits for the krill fishery, recalling that the Scientific Committee is having active discussions on related topics such as research plans and a proposed symposium to be held adjacent to WG-EMM, in addition to other interdisciplinary discussions on the matter.

Tag overlap statistic

171. The Chair of the Scientific Committee advised SCIC of the recommendation by the Scientific Committee to set a target tag overlap statistic of 80% while maintaining the current 60% minimum threshold. The Chair of the Scientific Committee further noted that vessels achieving between 60% and 80% would be identified by the Secretariat and reviewed by WG-FSA to better understand the issues causing low tag overlap performance.

Observation coverage

172. SCIC noted the requirements of CM 25-03 Annex 25-03/A to require on-vessel observation coverage of net monitoring cables of at least 5% of total active fishing time and asked the Chair of the Scientific Committee how long it would take an observer to achieve this. The Chair of the Scientific Committee noted that this level of observation coverage could be achieved by undertaking two 15-minute observation periods (totalling ~30-minutes per day).

173. SCIC further requested advice from the Chair of the Scientific Committee on both how the SISO requirements are implemented in longline toothfish fisheries and the value of having SISO observers in these fisheries, in addition to the value of designating SISO observers in krill fisheries. The Chair of the Scientific Committee highlighted the importance of having independent scientific observation onboard vessels, noting that the information such observation provides is critical for understanding both direct and indirect effects of fishing. The Chair of the Scientific Committee further noted that the scientific observers onboard longline fishing vessels are highly skilled, providing information fundamental to many aspects of fishery management, and that similar dividends are beginning to be realised following the increase in observer coverage to 100% onboard krill vessels.

174. SCIC asked the Chair of the Scientific Committee whether video observation could substitute for on-deck observation and therefore meet the requirement outlined in Annex CM 25-03/A. The Chair of the Scientific Committee noted that video observations of net monitoring cables are sufficient, however recalled that there was no formal procedure on how to analyse the information within these videos. The Chair of the Scientific Committee encouraged Members to submit formal evaluations of videos to assist in these assessments.

175. SCIC noted the Chair of the Scientific Committee's recollection that observers onboard krill vessels mainly consist of national observers, and asked the Chair of the Scientific Committee whether there would be improvements if this requirement was amended to specify 100% SISO observers. The Chair of the Scientific Committee recalled that there has been no formal analysis conducted regarding the differences between the two, and noted that the Scientific Committee is actively working on appropriate ways to collect this information, and additional advice may be presented for the Commission to consider.

Research plans

176. SCIC sought advice from the Chair of the Scientific Committee regarding the implementation of research plans under CM 41-01, Annex B. The Chair of the Scientific Committee noted that CM 41-01 is ambiguous and precedence should be given to the research plan, noting its review by the Scientific Committee and its working groups and the detail in these plans which follow the most up-to-date advice.

Consideration of the Second Performance Review

177. SCIC considered the progress report of the Second Performance Review (PR2) (CCAMLR-42/06) which provided a summary of actions taken since CCAMLR-XXXVII. SCIC, along with the Commission and Scientific Committee, was encouraged to identify any additional actions.

178. SCIC thanked the Secretariat for compiling the progress report and noted the value in continuing to track progress annually against the recommendations listed in PR2, highlighting specific areas where progress has been made, those where proposals continue to be submitted, and those where particular outstanding items should be considered (e.g., Recommendations 12 (Transshipment) and 13 (IUU) of PR2, in addition to recommendations relating to climate change).

179. SCIC encouraged Members to consider the next iteration of the performance review in 1–2 years' time, which could focus on a limited number of priorities across identified thematic areas.

Other business

180. SCIC considered the draft proposal by Australia, France, the Republic of Korea and the USA for a Code of Conduct for CCAMLR in-person and virtual meetings, workshops, working groups, and events (referred to as CCAMLR events in the Code) (CCAMLR-42/24 Rev. 1).

181. SCIC appreciated the opportunity to consider the draft Code of Conduct, welcomed the intersessional work and noted that it had been considered by SCAF and would be further considered by the Commission. Many Members expressed their strong support for the need for a Code of Conduct and supported the recommendation from SCAF that its application be extended to all CCAMLR events, including those held internationally.

182. A Member raised questions related to the need for a Code of Conduct for CCAMLR events and concerns regarding its implementation, but SCIC recognised that these issues were more appropriately discussed by the Commission. SCIC looked forward to the outcomes of those discussions.

183. SCIC noted the Secretariat's paper CCAMLR-42/BG/28 which reported on its participation in the search and rescue (SAR) workshop hosted by the Council of Managers of National Antarctic Programs (COMNAP) and the Australian Antarctic Program. The workshop presented an opportunity to raise awareness of CCAMLR's arrangements with maritime rescue coordination centres (MRCCs) for the sharing of information to support live search and rescue events.

184. ASOC introduced CCAMLR-42/BG/30, which provides insights into the development of guidance and new regulations by the IMO to improve the safety of fishing vessels operating in polar waters and to reduce the impact of fishing vessels on the polar marine environment. The paper identifies that CCAMLR has adopted Resolutions including Resolution 23/XXIII and 34/XXXI that address aspects of fishing vessel safety now also covered by the IMO guidelines. Additionally, ASOC recommended that Members require the use of the new guidelines by all CCAMLR-licensed, permitted, or authorised fishing vessels. ASOC also noted

that in June 2023, the IMO adopted amendments to the SOLAS Convention and the Polar Code which will require that mandatory navigation and voyage planning measures are followed by fishing vessels of 24 m and above from 1 January 2026. The paper further recommended that since it has been two years since the IMO guidelines for fishing vessels operating in polar waters were approved, it was timely for CCAMLR to commence collecting experience in implementing the guidelines. The paper also reported on work currently underway at the IMO to reduce ship-sourced marine plastic pollution, including lost or discarded fishing gear and plastics from paints and antifouling systems. ASOC called on CCAMLR to develop an action plan to address plastic pollution from all sources on fishing vessels.

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

186. The Chair welcomed nominations for Vice-Chair of SCIC, however none were received.

187. The Chair thanked all delegates, as well as the interpreters and Secretariat staff, for their efforts for a productive meeting. SCIC also expressed its appreciation to the Secretariat and thanked the Chair for her constructive and efficient leadership throughout the meeting.

CCAMLR Compliance Evaluation Report 2022/23

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
CM 10-02					
United Kingdom	<i>Argos Georgia</i>	<p>CM 10-02, paragraph 1, states that each Contracting Party shall prohibit fishing in the Convention Area except pursuant to a licence that the Contracting Party has issued, setting forth the specific areas, species and time period for which fishing is authorised.</p> <p>It is the Secretariat's understanding that 'fishing' includes the setting and retrieving of fishing gear.</p> <p>The United Kingdom issued a licence for the <i>Argos Georgia</i> for fishing activities targeting <i>Dissostichus</i> spp. in Subarea 48.3 for the period 1 May to 14 September 2022.</p> <p>The monthly fine-scale catch and effort data (C2 data) reported the following: Haul number 187 begun retrieval on 04:53 UTC 15 Sep 22 and ended retrieval on 10:49 UTC 15 Sep 22 Haul number 188 begun retrieval on 12:09 UTC 15 Sep 22 and ended retrieval on 18:08 UTC 15 Sep 22</p> <p>The Secretariat notified the UK of the issue and they provided the following explanation: The toothfish fishery operates during the winter period to avoid interaction with breeding seabirds. In previous years (and this year) this has meant</p>	<p>Conservation Measure 32-01 (2001) indicates the fishing season for all Convention Area species is 1 December to 30 November of the following year, unless otherwise set in specific Conservation Measures.</p> <p>Conservation Measure 31-02 (2007) describes practices for the closure of fisheries, where we believe the Secretariat's understanding of the stated fishing definition originates. Given the absence of a closure notification from the Secretariat, and the lack of any basis for it to issue one, CM 31-02 is not relevant to the regulation of the fishery in question.</p> <p>In regards to the Patagonian toothfish fishery in the part of the maritime zone of South Georgia and the South Sandwich Islands ('the South Georgia maritime zone') that lies within statistical subarea 48.3, the UK has always implemented management measures based on the best available science and the precautionary principle. As such, the Patagonian toothfish season in subarea 48.3 is limited to avoid interactions with breeding seabirds. This was enshrined in</p>	Compliant	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>the fishing season closes on the 14 September each year.</p> <p>The licence conditions state that the fishery closes on the 14 Sept at 23:59 (UTC-2). All vessels operating in the fishery were emailed a reminder notice of the closure on the 14 Sept at 08:49 which stated no further gear should be set after 23:59 (UTC-2) on the 14th of September. All vessels complied with this instruction.</p>	<p>Conservation Measure 41-02 (2019) and since 2019, this precautionary measure has continued within the domestic measures applied by the Government of South Georgia & the South Sandwich Islands.</p> <p>As a domestic licence requirement, setting of gear is prohibited after the fishery closure notification. Fishing operators were emailed a reminder notice of the closure on the 14 September at 08:49 which stated no further gear should be set after 23:59 (UTC-2) on the 14 September. All vessels complied with this instruction.</p> <p>Further Action: None</p> <p>Preliminary Status: Compliant</p>		
United Kingdom	<i>Nordic Prince</i>	<p>CM 10-02, paragraph 1, states that each Contracting Party shall prohibit fishing in the Convention Area except pursuant to a licence that the Contracting Party has issued, setting forth the specific areas, species and time period for which fishing is authorised.</p> <p>It is the Secretariat's understanding that 'fishing' includes the setting and retrieving of fishing gear.</p> <p>The United Kingdom issued a licence for the <i>Nordic Prince</i> for fishing activities targeting <i>Dissostichus</i> spp. in Subarea 48.3 for the period 1 May to 14 September 2022.</p> <p>The monthly fine-scale catch and effort data (C2 data) reported the following:</p>	<p>Conservation Measure 32-01 (2001) indicates the fishing season for all Convention Area species is 1 December to 30 November of the following year, unless otherwise set in specific Conservation Measures.</p> <p>Conservation Measure 31-02 (2007) describes practices for the closure of fisheries, where we believe the Secretariat's understanding of the stated fishing definition originates. Given the absence of a closure notification from the Secretariat, and the lack of any basis for it to issue one, CM31-02 is not relevant to the regulation of the fishery in question.</p>	Compliant	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>Haul number 195 begun retrieval on 03:40 UTC 15 Sep 22 and ended retrieval on 11:20 UTC 15 Sep 22</p> <p>Haul number 196 begun retrieval on 13:20 UTC 15 Sep 22 and ended retrieval on 20:45 UTC 15 Sep 22</p> <p>The Secretariat notified the UK of the issue and they provided the following explanation: The toothfish fishery operates during the winter period to avoid interaction with breeding seabirds. In previous years (and this year) this has meant the fishing season closes on the 14 September each year.</p> <p>The licence conditions state that the fishery closes on the 14 Sept at 23:59 (UTC-2). All vessels operating in the fishery were emailed a reminder notice of the closure on the 14 Sept at 08:49 which stated no further gear should be set after 23:59 (UTC-2) on the 14th of September. All vessels complied with this instruction.</p>	<p>In regards to the Patagonian toothfish fishery in the part of the maritime zone of South Georgia and the South Sandwich Islands ('the South Georgia maritime zone') that lies within statistical subarea 48.3, the UK has always implemented management measures based on the best available science and the precautionary principle. As such, the Patagonian toothfish season in subarea 48.3 is limited to avoid interactions with breeding seabirds. This was enshrined in Conservation Measure 41-02 (2019) and since 2019, this precautionary measure has continued within the domestic measures applied by the Government of South Georgia & the South Sandwich Islands.</p> <p>As a domestic licence requirement, setting of gear is prohibited after the fishery closure notification. Fishing operators were emailed a reminder notice of the closure on the 14 September at 08:49 which stated no further gear should be set after 23:59 (UTC-2) on the 14 September. All vessels complied with this instruction.</p> <p>Further Action: None</p> <p>Preliminary Status: Compliant</p>		
CM 10-03					
South Africa		CM 10-03, paragraph 5 , requires that inspections shall be conducted within 48 hours of port entry.	South Africa responded in respect of the Korean-flagged vessel <i>Sae In Champion</i> which entered the South African port of Cape Town at 06:00 18 Jul 2022 and was	Compliant	See paragraph 102

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>The Korean-flagged vessel <i>Sae In Champion</i> entered the South African port of Cape Town at 06:00 18 Jul 2022 and was inspected at 13:00 20 Jul 2022.</p> <p>Time delay of inspection after the 48-hour deadline: 7 hours</p>	<p>inspected at 13:00 20 Jul 2022. The time delay of inspection after the 48-hour deadline was 7 hours. This was mainly as a result of further Fisheries Sector inspections which had to be conducted by Fishery Control Officers (FCO's) in and around the port of Cape Town and the limited FCO capacity at the time.</p> <p>Further Action: No further action is required and the existing Fishery Control Officer capacity had been augmented since.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
South Africa		<p>CM 10-03, paragraph 5, requires that inspections shall be conducted within 48 hours of port entry.</p> <p>The Norwegian-flagged vessel <i>Antarctic Endurance</i> entered the South African port of Cape Town at 08:27 29 Sep 2022 and was inspected at 09:20 06 Oct 2022.</p> <p>South Africa noted on submission that strike action at the port of Cape Town prevented access by the inspectors.</p> <p>Time delay of inspection after the 48-hour deadline: 168 hours</p>	<p>The Norwegian-flagged vessel <i>Antarctic Endurance</i> entered the South African port of Cape Town at 08:27 29 Sep 2022 and was inspected at 09:20 06 Oct 2022. South Africa noted on submission that strike action at the port of Cape Town prevented access by the inspectors. Time delay of inspection after the 48-hour deadline: 168 hours. South African Fishery Control officers, responsible for the inspection will consult and cooperate with inspection partners to address similar future incidents to conduct the inspections prior to the deadline.</p> <p>Further Action: No further action is required.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
South Africa		<p>CM 10-03, paragraph 5, requires that inspections shall be conducted within 48 hours of port entry.</p> <p>The Spanish-flagged vessel <i>Tronio</i> entered the South African port of Cape Town at 08:00 17 May 2023 and was inspected at 14:40 22 May 2023.</p> <p>South Africa noted on submission that ‘Due to the high influx of local commercial vessels and foreign vessels last week, the communications team missed <i>Tronio’s</i> port entry notification’.</p> <p>Time delay of inspection after the 48-hour deadline: 78 hours 40 minutes</p>	<p>The Spanish-flagged vessel <i>Tronio</i> entered the South African port of Cape Town at 08:00 17 May 2023 and was inspected at 14:40 22 May 2023. South Africa noted on submission that ‘Due to the high influx of local commercial vessels and foreign vessels the previous week, the communications team missed <i>Tronio’s</i> port entry notification’. Time delay of inspection after the 48-hour deadline: 78 hours 40 minutes. The notifications by local and foreign vessels are prioritised and monitoring was improved by the additional Fishery Control Officer capacity and the Vessel Monitoring System.</p> <p>Further Action: No further action is required.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required
Australia		<p>CM 10-03, paragraph 8, requires the transmission of a port inspection report to the Secretariat within 30 days of the inspection date (or as soon as possible where compliance issues have arisen).</p> <p>The inspection of the Australian-Flagged vessel <i>Antarctic Aurora</i> occurred on 11 Dec 2022 by Australian port officials and the transmission of the port inspection report occurred on 02 May 2023.</p> <p>Australia noted on submission that ‘due to an administration error the attached port inspection report has not been submitted within 30 days of</p>	<p>Australia conducted a routine internal audit of its inspection reports and identified that the port inspection report in question had not been sent to the CCAMLR Secretariat. This was due to an administrative error, with the report not being provided by the inspecting officer to the correct team for provision to the CCAMLR Secretariat. Australia alerted the CCAMLR Secretariat and provided the report as soon as this error was identified. Australia has reviewed its internal procedures, including providing further guidance to port inspection officers to ensure that this error does not re-occur.</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>the port inspection as required in accordance with CM 10-03, para 8. This administrative error was identified during a routine internal audit of Australia’s CCAMLR port inspection report case management system.’</p> <p>Time delay of transmission after the 30-day deadline: 112 days</p>	<p>Further Action: None</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
Mauritius		<p>CM 10-03, paragraph 8, requires the transmission of a port inspection report to the Secretariat within 30 days of the inspection date (or as soon as possible where compliance issues have arisen).</p> <p>The inspection of the Australian-Flagged vessel <i>Cape Arkona</i> occurred on 27 Feb 2023 by Mauritian port officials and the transmission of the port inspection report occurred on 02 Apr 2023.</p> <p>Time delay of transmission after the 30-day deadline: 4 days</p>	<p>Mauritius is fully committed to comply with all conservation measures of CCAMLR, including Measure 10-03 relating to the transmission of the Port Inspection Report within 30 days following inspection of a vessel. There was a slight delay in the transmission of the Port Inspection Reports of Fishing Vessels <i>Isla Eden</i> and <i>Cape Arkona</i> which called at Port-Louis harbour in December 2022 and February 2023 respectively with the reports being submitted 4 days after the deadline. In the case of <i>Isla Eden</i>, the delay was caused due to its landing falling within the festive season when many officers were on leave whilst for the case of <i>Cape Arkona</i>, the delay was due to a faulty computer which prevented the computation of the electronic report. Necessary remedial action has been taken and subsequent landings of toothfish carrying vessels have seen the Port Inspection Reports being submitted within the 30-day deadline.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
Mauritius		<p>CM 10-03, paragraph 8, requires the transmission of a port inspection report to the Secretariat within 30 days of the inspection date (or as soon as possible where compliance issues have arisen).</p> <p>The inspection of the Australian-Flagged vessel <i>Isla Eden</i> occurred on 17 Dec 2022 by Mauritian port officials and the transmission of the port inspection report occurred on 20 Jan 2023.</p> <p>Time delay of transmission after the 30-day deadline: 4 days</p>	<p>Mauritius is fully committed to comply with all conservation measures of CCAMLR, including Measure 10-03 relating to the transmission of the Port Inspection Report within 30 days following inspection of a vessel. There was a slight delay in the transmission of the Port Inspection Reports of Fishing Vessels <i>Isla Eden</i> and <i>Cape Arkona</i> which called at Port-Louis harbour in December 2022 and February 2023 respectively with the reports being submitted 4 days after the deadline. In the case of <i>Isla Eden</i>, the delay was caused due to its landing falling within the festive season when many officers were on leave whilst for the case of <i>Cape Arkona</i>, the delay was due to a faulty computer which prevented the computation of the electronic report. Necessary remedial action has been taken and subsequent landings of toothfish carrying vessels have seen the Port Inspection Reports being submitted within the 30-day deadline.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required
New Zealand		<p>CM 10-03, paragraph 8, requires the transmission of a port inspection report to the Secretariat within 30 days of the inspection date (or as soon as possible where compliance issues have arisen).</p> <p>The inspection of the New Zealand-Flagged vessel <i>San Aspiring</i> occurred on 14 Apr 2023 by New Zealand port officials and the transmission</p>	<p>This issue in relation to CM 10-03 paragraph 3 was an administration error by the Contracting Party.</p> <p>Due to a miscommunication between New Zealand officials the transmission of the port inspection report to the Secretariat within the required timeframe was overlooked.</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>of the port inspection report occurred on 17 May 2023.</p> <p>Time delay of transmission after the 30-day deadline: 3 days</p>	<p>There were no compliance issues reported in the Inspection report. The vessel did not fish in the CCAMLR Convention area but was taking part in the SPRFMO Exploratory fishery and was fully compliant with all required measures.</p> <p>New Zealand officials have updated training instructions to ensure that this issue does not re-occur.</p> <p>Further Action: No further action required.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
United Kingdom		<p>CM 10-03, paragraph 8, requires the transmission of a port inspection report to the Secretariat within 30 days of the inspection date (or as soon as possible where compliance issues have arisen).</p> <p>The inspection of the British-Flagged vessel <i>Argos Georgia</i> occurred on 19 Sep 2022 by British port officials and the transmission of the port inspection report occurred on 23 Oct 2022.</p> <p>It was noted in the submission of the port inspection report that the officer was having technical issue with their email server which was preventing the transmission of the report.</p> <p>Time delay of transmission after the 30-day deadline: 4 days</p>	<p>As provided to the Secretariat at the time of submission, technical issues occurred with the transmission of the port inspection report due to a computer system upgrade. This resulted in an email with large files attached being blocked from delivery without a systems notification. The issue was identified and the three inspection reports were submitted immediately afterwards. Consultation with the relevant department has been completed and procedures have been updated to avoid such issues in the future.</p> <p>Further Action: None</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
United Kingdom		<p>CM 10-03, paragraph 8, requires the transmission of a port inspection report to the Secretariat within 30 days of the inspection date (or as soon as possible where compliance issues have arisen).</p> <p>The inspection of the British-Flagged vessel <i>Argos Helena</i> occurred on 17 Sep 2022 by British port officials and the transmission of the port inspection report occurred on 20 Oct 2022.</p> <p>Time delay of transmission after the 30-day deadline: 3 days</p>	<p>As provided to the Secretariat at the time of submission, technical issues occurred with the transmission of the port inspection report due to a computer system upgrade. This resulted in an email with large files attached being blocked from delivery without a systems notification. The issue was identified and the three inspection reports were submitted immediately afterwards. Consultation with the relevant department has been completed and procedures have been updated to avoid such issues in the future.</p> <p>Further Action: None</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required
United Kingdom		<p>CM 10-03, paragraph 8, requires the transmission of a port inspection report to the Secretariat within 30 days of the inspection date (or as soon as possible where compliance issues have arisen).</p> <p>The inspection of the British-Flagged vessel <i>Nordic Prince</i> occurred on 17 Sep 2022 by British port officials and the transmission of the port inspection report occurred on 20 Oct 2022.</p> <p>Time delay of transmission after the 30-day deadline: 3 days</p>	<p>As provided to the Secretariat at the time of submission, technical issues occurred with the transmission of the port inspection report due to a computer system upgrade. This resulted in an email with large files attached being blocked from delivery without a systems notification. The issue was identified and the three inspection reports were submitted immediately afterwards. Consultation with the relevant department has been completed and procedures have been updated to avoid such issues in the future.</p> <p>Further Action: None</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
			Preliminary Status: Minor non-compliant (Level 1)		
CM 10-04					
France	<i>Atlas Cove</i>	<p>CM 10-04, paragraph 2, states that each fishing vessel shall be fitted with an automatic location communicator (ALC) that meets the minimum standards contained in Annex 10-04/C. Annex 10-04/C, paragraph 4, states that ALCs must be tamper-proof.</p> <p>The inspection report for the <i>Atlas Cove</i> for the inspection undertaken by France on 26 Feb 2023 noted the following:</p> <p>Conclusions by the inspector</p> <p>‘Irregularities regarding the control of the crew list have been notified to the captain and the operator. These irregularities are subject to national regulatory processes. The seal systems for the holds should be reviewed as they may not be tamper-evident. There is no conclusive evidence that the VMS cannot be tampered with, the system must be reviewed. No evidence that the scales on board have been verified. Labels are missing from some of the unloaded packages (weight entered manually), product traceability is compromised.’</p> <p>‘Des irrégularités en matière de police du rôle ont été notifiées au capitaine et à l’armement. Ces irrégularités font l’objet d’une procédure au niveau de la réglementation nationale.</p>	<p>France confirms that the port inspection conducted onboard the vessel on 26th February 2023 determined that the VMS device could potentially be tampered with and that the system should be reviewed. However, no fraudulent manipulation was observed.</p> <p>The issue has been resolved and the subsequent port inspection report dated 28th June 2023 confirmed that the device was compliant with CCAMLR regulations. The vessel only operates in waters under national jurisdiction in Kerguelen and Crozet.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>Les systèmes des scelles des cales devront être revus, l’inviolabilité peut être remise en question. L’inviolabilité du dispositif VMS n’est pas probant, le système doit être revu. La vérification des balances a bord des navires n’a pas été démontrée. Des étiquettes sont manquantes sur quelques colis débarqués (poids inscrit manuellement), la traçabilité du produit est compromise.’</p>			
China	<i>Shen Lan</i>	<p>CM 10-04, paragraph 13, requires Flag States to notify the Secretariat within 24 hours of each entry to, exit from and movement between subareas of the Convention Area.</p> <p>A movement notification was provided to the Secretariat at 01:32 UTC 12 Dec 2022 for the Shen Lan notifying entry into Subarea 48.6 at 20:00 UTC 14 Dec 2022.</p> <p>Time delay after the 24-hour deadline: 42 hours 28 minutes</p>	<p>China submitted a notification in advance at 01:32 UTC 12 Dec 2022 to notify the estimated time (20:00 UTC 14 Dec 2022) <i>Shen Lan</i> planing to enter CAMLR convention area from Subarea 48.6 and the intention of this entry in accordance with requirement of CM 10-04 paragraph 13. However, <i>Shen Lan</i> failed to entered Subarea 48.6 as planed due to equipment failure, and stayed in high seas outside of CAMLR convention area to maintain the equipment until 19 Dec 2022. Finally, <i>Shen Lan</i> entered the convention area from Subarea 48.3 at 18:21 UTC 19 Dec 2022, and China submitted the entry notification at 01:55 UTC 20 Dec 2022 that within 24 hours after the entry.</p> <p>Further Action:</p> <p>Should similar occasion happen again, we will try to identify the reason and notify accordingly in a timely manner.</p> <p>Preliminary Status: Compliant</p>	Compliant	No further action required
France	<i>Atlas Cove</i>	<p>CM 10-04, paragraph 13, requires Flag States to notify the Secretariat within 24 hours of each</p>	<p>France acknowledges that the notification was provided after the 24h-deadline.</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>entry to, exit from and movement between subareas of the Convention Area.</p> <p>A movement notification was provided to the Secretariat on 06:30 UTC 2 Feb 2023 for the <i>Atlas Cove</i> for entry into Subarea 58.6 notifying the entry time of 23:38 UTC 29 Jan 2023.</p> <p>Time delay after the 24-hour deadline: 2 days 6 hours 52 minutes</p>	<p>Reminders to the competent authority of the fisheries monitoring centre have been issued.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
France	<i>Ile Bourbon</i>	<p>CM 10-04, paragraph 13, requires Flag States to notify the Secretariat within 24 hours of each entry to, exit from and movement between subareas of the Convention Area.</p> <p>A movement notification was provided to the Secretariat on 08:16 UTC 27 Apr 2023 for the <i>Ile Bourbon</i> for entry into Division 58.4.4b notifying the entry time of 01:50 UTC 23 Apr 2023.</p> <p>The Secretariat upon identifying the overdue movement report notified the French VMS Contact Officers. They noted that a mistake had been made which led to the late submission.</p> <p>Time delay after the 24-hour deadline: 3 days 6 hours 26 minutes</p>	<p>The FMC initially notified the CCAMLR Secretariat, within the deadline (23/04/2023), of a passage between Subareas 58.5.1 (Kerguelen) and 58.6 (Crozet). The CCAMLR Secretariat contacted the FMC a few days later (27/04/2023) indicating that according to their data, the vessel had crossed subarea 58.4.4b to go from areas 58.5.1 to 58.6. Consequently, a notification of entry into area 58.4.4b, related to the movement of 23rd April, was also necessary. The FMC provided a corrected notification within hours on the same date (27th April). France acknowledges that an initial notification should have been sent and the competent authorities of the FMC have been reminded accordingly.</p> <p>Further Action: None necessary, the national FMC provided the entry notification for 58.4.4b as soon as it was contacted by the Secretariat about this issue.</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
			Preliminary Status: Minor non-compliant (Level 1)		
New Zealand	<i>San Aotea II</i>	<p>CM 10-04, paragraph 13, requires Flag States to notify the Secretariat within 24 hours of each entry to, exit from and movement between subareas of the Convention Area.</p> <p>A movement notification was provided to the Secretariat on 01:10 UTC 28 Nov 2022 for the <i>San Aotea II</i> entry into Subarea 88.1 notifying the entry time of 13:51 UTC 26 Nov 2022.</p> <p>Time delay after the 24-hour deadline: 11 hours 19 minutes</p>	<p>As per the requirements of CM 10-04 paragraph 13, on November 27th, 2022, the vessel sent an entry notification via email before entering Sub area 88.1. However, there was an error in the email address for the Secretariat that was used.</p> <p>The error was not noted by New Zealand officials until the Secretariat contacted the Ministry for Primary Industries on November 28th to advise of the non--reception of the entry notification. A review of the notification received by officials on November 27th revealed that an incorrect email address had been used. New Zealand officials forwarded the original notification to the Secretariat and requested that the vessel did the same.</p> <p>This issue was raised with the operator at the time and they were instructed by New Zealand officials to ensure the vessel take extra care when sending through entry and exit notifications.</p> <p>Further Action: No further action required.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required
CM 10-05					
Australia		CM 10-05, paragraph 6 , requires that each Contracting Party and non-Contracting Party	Two DEDs were issued 3 days after the declared export date. These incidents	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>cooperating with CCAMLR by participating in the CDS shall require that each shipment of <i>Dissostichus</i> spp. imported into, or exported or re-exported from its territory be accompanied by a DED or DRED. The import, export or re-export of <i>Dissostichus</i> spp. without a DED or DRED is prohibited.</p> <p>CM 10-05, paragraph 7, requires that DEDs and DREDs must be completed as described in Annex 10-05/A. The use of the e-CDS to generate, validate and complete a DED and/or a DRED is mandatory. A DED and/or DRED is not completed nor validated in the e-CDS without the verification provided by a government official at section 5 of the DED template ('step 4: Export state confirmation' in e-CDS). Without this validation the import State will not have access to the document in the e-CDS.</p> <p>Analysis of the e-CDS data has identified Australia validated 3 DEDs after the declared export date. Therefore, these shipments did not have a completed DED available to accompany them at the time of export.</p> <p>The identified DEDs account for 2% of Australia's exports and <1% of all CDS exports.</p> <p>The time difference between the export and validation for the identified documents are: 2 DEDs were issued between 3–5 days after declared export date 1 DED was issued between 21–50 days after declared export date</p>	<p>occurred during the Australian Government annual office shut down period over Christmas and the non-issuance of the DED was not identified during exportation. Australia has reviewed its internal procedures to reinforce appropriate controls to meet export requirements at all times, including during holiday periods.</p> <p>Preliminary status: Minor non-compliant (level 1)</p> <p>Australia has reviewed the information available on the DED which was identified as issued 21–50 days after declared export date. A typographical error on the DED form listed an incorrect export date of 07/09/2022. The correct export date was 07/10/2022. The DED was issued on the 29/09/2022, therefore prior to export.</p> <p>Preliminary status: Compliant</p> <p>Further Action: None</p>	Compliant	

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>A list of individual DED document numbers is available as an attachment to this record on the website.</p>			
Chile		<p>CM 10-05, paragraph 6, requires that each Contracting Party and non-Contracting Party cooperating with CCAMLR by participating in the CDS shall require that each shipment of <i>Dissostichus</i> spp. imported into, or exported or re-exported from its territory be accompanied by a DED or DRED. The import, export or re-export of <i>Dissostichus</i> spp. without a DED or DRED is prohibited.</p> <p>CM 10-05, paragraph 7, requires that DEDs and DREDs must be completed as described in Annex 10-05/A. The use of the e-CDS to generate, validate and complete a DED and/or a DRED is mandatory. A DED and/or DRED is not completed nor validated in the e-CDS without the verification provided by a government official at section 5 of the DED template ('step 4: Export state confirmation' in e-CDS). Without this validation the import State will not have access to the document in the e-CDS.</p> <p>Analysis of the e-CDS data has identified Chile validated 4 DEDs after the declared export date. Therefore, these shipments did not have a completed DED available to accompany them at the time of export.</p> <p>The identified DEDs account for <1% of Chile's exports and <1% of all CDS exports.</p> <p>The time difference between the export and validation for the identified documents are: 2 DEDs were issued between 6–10 days after</p>	<p>Regarding the identification of DEDs validated after the declared export date, two out of the four DEDs identified as validated ex post, were validated 32 days after export. These two events occurred before the full implementation of the correcting measures announced in the previous meeting (CCAMLR-41), i.e. the adjustments to the control procedures in the electronic systems, requiring the manual approval by a fishery control officer.</p> <p>The other 2 DEDs, validated 6 and 8 days after export respectively, were due to human error. The control officers did not complete step 4 on the eCDS system, although in both cases, the shipments had other DEDs that were timely validated. The omission was detected by the authorities in the destination port, taking corrective action.</p> <p>Notwithstanding and as a corrective measure to avoid new errors, the national competent authority that validates DEDs will continue to work in the optimization of internal procedures in order to strengthen the capabilities of officers responsible of extending the export certificates within the established timeframe.</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>declared export date 2 DEDs were issued between 21–50 days after declared export date</p> <p>A list of individual DED document numbers is available as an attachment to this record on the website.</p>	<p>We believe it is important to highlight that Chile – while generating a large amount of documentation given its condition of main user of the eCDS system (around 50% of DEDs) – has implemented effective measures to tackle these non-compliance events, reducing significantly the number of DEDs validated ex post to a 0.3% (4 cases). (Fig. 1. Illustrates evolution of non-compliance events in the last three seasons)</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
Korea, Republic of		<p>CM 10-05, paragraph 6, requires that each Contracting Party and non-Contracting Party cooperating with CCAMLR by participating in the CDS shall require that each shipment of <i>Dissostichus</i> spp. imported into, or exported or re-exported from its territory be accompanied by a DED or DRED. The import, export or re-export of <i>Dissostichus</i> spp. without a DED or DRED is prohibited.</p> <p>CM 10-05, paragraph 7, requires that DEDs and DREDs must be completed as described in Annex 10-05/A. The use of the e-CDS to generate, validate and complete a DED and/or a DRED is mandatory. A DED and/or DRED is not completed nor validated in the e-CDS without the verification provided by a government official at section 5 of the DED template ('step 4: Export state confirmation' in e-CDS). Without this validation the import State will not have access to the document in the e-CDS.</p>	<p>The incidents took place in July and August in 2022, right after the CCAMLR Secretariat sent out the draft Compliance Report that contained the similar incidents covering the period from July 1 to June 30, 2022. In response to the identified incidents at that time, Korea reported that The Korean government investigated these incidents and found out that the requirement for Bill of Landing in the domestic regulations caused the discrepancies between date of export (date of issuance of bill of landing, actually) and the issuance of DEDs. The NFQS revised internal process to allow 'check (draft) bill of landing' so that a DED can be issued before the loading of the shipment has been completed, only after which confirmed bill of landing is issued. The NFQS provided education and training to the issuing officers as well as exporters so that they have clear understanding that any</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p data-bbox="618 252 1155 403">Analysis of the e-CDS data has identified Korea validated 3 DREDs after the declared export date. Therefore, these shipments did not have a completed DRED available to accompany them at the time of export.</p> <p data-bbox="618 403 1155 467">The identified DREDs account for 7% of Korea's exports and <1% of all CDS exports.</p> <p data-bbox="618 499 1155 619">The time difference between the export and validation for the identified documents are: 3 DREDs were issued between 3–5 days after declared export date</p> <p data-bbox="618 651 1155 738">A list of individual DRED document numbers is available as an attachment to this record on the website.</p>	<p data-bbox="1178 252 1626 339">shipment of toothfish must be accompanied by DEDs before they leave Korean ports.</p> <p data-bbox="1178 371 1648 1050">All the relevant corrective actions were completed on August 30, 2022, and there has not been any further incident since then. The incidents covered in this year's Compliance Report took place before these corrective actions and were in the same 'batch' of incidents covered in last year's Compliance Report, all of which had been fully addressed through the measures completed on August 30, 2022. Therefore, Korea does not consider these incidents 'serious, frequent or persistent.' Rather, as the seeming recurrence of the identification of these potential compliance issues in this season is not actually the repetition of the same incidents but is due to the administrative process where the evaluation period was cut in the middle of a series of the incidents, which have been completely rectified last year. Therefore, Korea assigns 'minor non-compliance' to be consistent with last year's assessment.</p> <p data-bbox="1178 1082 1648 1385">As a set of complementary actions, Korea National Fishery Products Quality Management Service (NFQS) sent out an official instruction to its regional offices reminding them of the implementation of CM10-05 on August 11, 2023. The NFQS also undertook outreach activities to exporters and customs agents on August 11, 2023. The Busan regional office, which handles the most DEDs and</p>		

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
			<p>DREDS, has designated officers dedicated to the matter. The NFQS is going to publish a DCD handling manual for issuing officers, exporters and customs agents in October.</p> <p>Further Action: As a set of complementary actions, Korea National Fishery Products Quality Management Service (NFQS) sent out an official instruction to its regional offices reminding them of the implementation of CM10-05 on August 11, 2023. The NFQS also undertook outreach activities to exporters and customs agents on August 11, 2023. The Busan regional office, which handles the most DEDs and DREDS, has designated officers dedicated to the matter. The NFQS is going to publish a DCD handling manual for issuing officers, exporters and customs agents in October.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
New Zealand		<p>CM 10-05, paragraph 6, requires that each Contracting Party and non-Contracting Party cooperating with CCAMLR by participating in the CDS shall require that each shipment of <i>Dissostichus</i> spp. imported into, or exported or re-exported from its territory be accompanied by a DED or DRED. The import, export or re-export of <i>Dissostichus</i> spp. without a DED or DRED is prohibited.</p>	<p>Investigation into the matters noted have shown two separate issues relating to the late issuance of four DEDs.</p> <p>Two DEDs were issued 3 days after the declared export date due to a change to the shipping schedule for vessels transporting the toothfish product from New Zealand. This change affected 5 containers of product, the DEDs for 3 of which were issued prior to the date of export. A</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>CM 10-05, paragraph 7, requires that DEDs and DREDs must be completed as described in Annex 10-05/A. The use of the e-CDS to generate, validate and complete a DED and/or a DRED is mandatory. A DED and/or DRED is not completed nor validated in the e-CDS without the verification provided by a government official at section 5 of the DED template ('step 4: Export state confirmation' in e-CDS). Without this validation the import State will not have access to the document in the e-CDS.</p> <p>Analysis of the e-CDS data has identified New Zealand validated 4 DEDs after the declared export date. Therefore, these shipments did not have a completed DED available to accompany them at the time of export. The identified DEDs account for 5% of New Zealand's exports and <1% of all CDS exports.</p> <p>The time difference between the export and validation for the identified documents are: 3 DEDs were issued between 3–5 days after declared export date 1 DED was issued between 6–10 days after declared export date</p> <p>A list of individual DED document numbers are available as an attachment to this record on the website.</p>	<p>request for documentation for the remaining two containers was received by officials 6 days before the original expected date of export. The containers were originally being transported between ports and then transferred to another container ship for exportation. The shipping company made a change to the shipping schedule that resulted in the decision not to transfer the containers from the original vessel and export the cargo directly. This led to the two DEDs being issued after the date the vessel departed. New Zealand CDS officials made the decision to issue the export documents after departure rather than allow the product to arrive at its destination without any documentation.</p> <p>The two remaining DEDs were amended after a request was received from the importer of the product to produce separate DEDs for each container included in the shipments. Original documents were issued prior to the export date noted on the DEDs and contained details for two containers of product on each. After the documents were sent through to the importer a request was made to issue separate DEDs for each container. CDS export officials agreed to issue additional documents to separate the containers with the proviso that all future requests sent from the exporter were to the importer's specifications.</p>		

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
			<p>New Zealand officials have discussed these issues with the exporters of toothfish product and reiterated that any future requests to issue documents after the export date will not be accommodated.</p> <p>Further Action: No further action required.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
Peru		<p>CM 10-05, paragraph 6, requires that each Contracting Party and non-Contracting Party cooperating with CCAMLR by participating in the CDS shall require that each shipment of <i>Dissostichus</i> spp. imported into, or exported or re-exported from its territory be accompanied by a DED or DRED. The import, export or re-export of <i>Dissostichus</i> spp. without a DED or DRED is prohibited.</p> <p>CM 10-05, paragraph 7, requires that DEDs and DREDs must be completed as described in Annex 10-05/A. The use of the e-CDS to generate, validate and complete a DED and/or a DRED is mandatory. A DED and/or DRED is not completed nor validated in the e-CDS without the verification provided by a government official at section 5 of the DED template ('step 4: Export state confirmation' in e-CDS). Without this validation the import State will not have access to the document in the e-CDS.</p> <p>Analysis of the e-CDS data has identified Peru validated 1 DED after the declared export date. Therefore, this shipment did not have a completed DED available to accompany it at the time of</p>	Nil Response	Minor non-compliant (Level 1)	See paragraph 108

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>export. The identified DED accounts for 1% of Peru's exports and <1% of all CDS exports.</p> <p>The time difference between the export and validation for the identified document is: 1 DED was issued between 1–2 days after declared export date</p> <p>The individual DED document number is available as an attachment to this record on the website.</p>			
United States of America		<p>CM 10-05, paragraph 6, requires that each Contracting Party and non-Contracting Party cooperating with CCAMLR by participating in the CDS shall require that each shipment of <i>Dissostichus</i> spp. imported into, or exported or re-exported from its territory be accompanied by a DED or DRED. The import, export or re-export of <i>Dissostichus</i> spp. without a DED or DRED is prohibited.</p> <p>CM 10-05, paragraph 7, requires that DEDs and DREDs must be completed as described in Annex 10-05/A. The use of the e-CDS to generate, validate and complete a DED and/or a DRED is mandatory. A DED and/or DRED is not completed nor validated in the e-CDS without the verification provided by a government official at section 5 of the DED template ('step 4: Export state confirmation' in e-CDS). Without this validation the import State will not have access to the document in the e-CDS.</p> <p>Analysis of the e-CDS data has identified the USA validated 2 DREDs after the declared export</p>	<p>This was an administrative error which was only brought to our attention when the new interface for the eCDS was implemented in May 2023. The shipments documented under these DREDs were each accompanied by a DRED but lacked the Export Government Authority Validation. Given the improvements to the eCDS it will now be evident when a DED/DRED has not been validated, preventing this from happening in the future.</p> <p>Further Action: No further action needed</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>date. Therefore, these shipments did not have a completed DRED available to accompany them at the time of export. The identified DREDs account for <1% of the USA's exports and <1% of all CDS exports.</p> <p>The time difference between the export and validation for the identified documents are: 1 DRED was issued between 21–50 days after declared export date 1 DRED was issued between 101–200 days after declared export date</p> <p>A list of individual DRED document numbers are available as an attachment to this record on the website.</p>			
Uruguay		<p>CM 10-05, paragraph 6, requires that each Contracting Party and non-Contracting Party cooperating with CCAMLR by participating in the CDS shall require that each shipment of <i>Dissostichus</i> spp. imported into, or exported or re-exported from its territory be accompanied by a DED or DRED. The import, export or re-export of <i>Dissostichus</i> spp. without a DED or DRED is prohibited.</p> <p>CM 10-05, paragraph 7, requires that DEDs and DREDs must be completed as described in Annex 10-05/A. The use of the e-CDS to generate, validate and complete a DED and/or a DRED is mandatory. A DED and/or DRED is not completed nor validated in the e-CDS without the verification provided by a government official at section 5 of the DED template ('step 4: Export state confirmation' in e-CDS). Without this</p>	<p>Se constatan los incumplimientos descritos por un funcionamiento incorrecto en la certificación de las exportaciones por parte del organismo oficial de control pesquero. Los problemas identificados derivan de la rotación de personal y escasa coordinación administrativa para finalizar los documentos en el tiempo requerido. Uruguay continúa con el esfuerzo de mejorar el sistema de certificación de productos de la pesca dentro del esquema e-SDC. Se han capacitado nuevos funcionarios técnicos con la colaboración de la Secretaría de la CCRVMA e implementando una estrategia nacional para el control en el sistema electrónico que permita coordinar, agilizar y simplificar procedimientos.</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>validation the import State will not have access to the document in the e-CDS.</p> <p>Analysis of the e-CDS data has identified Uruguay validated 27 DEDs after the declared export date. Therefore, these shipments did not have a completed DED available to accompany them at the time of export. The identified DEDs account for 20% of Uruguay's exports and 1% of all CDS exports.</p> <p>The time difference between the export and validation for the identified documents are: 4 DEDs were issued between 3–5 days after declared export date 2 DEDs were issued between 6–10 days after declared export date 8 DEDs were issued between 11–20 days after declared export date 10 DEDs were issued between 21–50 days after declared export date 3 DEDs were issued between 51–100 days after declared export date</p> <p>A list of individual DED document numbers are available as an attachment to this record on the website.</p>	<p>We confirm the stated instance of non-compliance, which was caused by a mistake in the exports certification procedure made by the official agency in charge of fisheries monitoring. The identified issues stem from employee turnover and from deficiencies in the administrative coordination required for the completion of the documents within required deadlines.</p> <p>Uruguay is making sustained efforts to improve its systems for fishing product certification in relation to the e-CDS. New technical officers have received training delivered in cooperation with the CCAMLR Secretariat; and a national strategy for the monitoring of the electronic system has been implemented aiming at the coordination, the streamlining and the clarification of procedures.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
CM 10-09					
Norway	<i>Antarctic Provider</i>	<p>CM 10-09, paragraph 2, states that each Flag State shall notify the Secretariat at least 72 hours in advance if any of its vessels intend to tranship within the Convention Area. CM 10-09, paragraph 3 clarifies that that this notification requirement covers the transshipment of harvested marine living resources, bait or fuel.</p>	<p>Our investigations have confirmed that the vessel did not provide the notification to the Secretariat at least 72 hours in advance of the intended transshipment operation.</p> <p>There has been a close dialogue between Norwegian authorities and the vessels/vessel owner regarding the</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>The Secretariat received a notification on 12:57 UTC 18 Jul 2022 from the <i>Antarctic Provider</i> notifying its intention to tranship fuel with the <i>Saga Sea</i> at 12:00 UTC 19 Jul 2022.</p> <p>The vessel master noted on submission of the notification the following: ‘Due to a misunderstanding, the report was not sent within the required 72 hrs’</p> <p>Time difference: 23 hours 3 minutes</p>	<p>importance of complying with CM 10-09. Before the start of the 2021/22 fishing season new procedures were implemented on board the vessels. These procedures have reduced the room for manual errors, and the level of compliance has increased significantly compared with previous seasons. Norwegian authorities will continue to work with the vessels/vessel owner in order to further enhance the understanding of and compliance with CM 10-09.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
Norway		<p>CM 10-09, paragraph 5, states that each Flag State shall confirm the information provided for a transhipment in accordance with paragraphs 2 or 3 to the Secretariat within 3 working days of having transhipped.</p> <p>The Secretariat received notifications from the Norwegian-flagged vessels the <i>Antarctic Provider</i> on 15:10 UTC 19 Jul 2022 and the <i>Saga Sea</i> on 10:20 UTC 20 Jul 2022 of their intended transhipment of crew and provisions from 20–22 July 2022.</p> <p>No confirmation was provided for this transhipment by the <i>Antarctic Provider</i>, <i>Saga Sea</i> or Norway.</p>	<p>Our investigations have confirmed that the vessel did not provide the required confirmation for the transhipment of crew and provisions from 20–22 July 2022.</p> <p>There has been a close dialogue between Norwegian authorities and the vessels/vessel owner regarding the importance of complying with CM 10-09. Before the start of the 2021/22 fishing season new procedures were implemented on board the vessels. These procedures have reduced the room for manual errors, and the level of compliance has increased significantly compared with previous seasons. Norwegian authorities will continue to work with the vessels/vessel owner in order to further enhance the understanding of and compliance with CM 10-09.</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
			Preliminary Status: Minor non-compliant (Level 1)		
Panama	<i>Cool Girl</i>	<p>CM 10-09, paragraph 2, states that each Flag State shall notify the Secretariat at least 72 hours in advance if any of its vessels intend to tranship within the Convention Area.</p> <p>CM 10-09, paragraph 3 clarifies that that this notification requirement covers the transshipment of harvested marine living resources, bait or fuel.</p> <p>The Secretariat received a notification on 21:10 UTC 22 Jul 2022 from the <i>Cool Girl</i> notifying its intention to tranship krill with the <i>Fu Yuan Yu 9818</i> at 00:00 UTC 25 Jul 2022.</p> <p>Prior notice of transshipment received 50 hours 50 minutes before transshipment.</p>	<p>Panama considers that the information provided by the CCAMLR Secretariat is correct and has communicated to its vessels the obligation to comply with the time limits established for reporting activities in this regulated area and to monitor compliance. Improvements in delivery times are considered. The vessel has informed that it will comply with the Commission's requirements.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required
Panama	<i>Cool Girl</i>	<p>CM 10-09, paragraph 5, states that each Flag State shall confirm the information provided for a transshipment in accordance with paragraphs 2 or 3 to the Secretariat within 3 working days of having transhipped.</p> <p>The Secretariat received a confirmation from the <i>Fu Yuan Yu 9818</i> on 02:57 UTC 28 Jul 2022 of its transshipment of krill from 25 - 27 July 2022 with the <i>Cool Girl</i>.</p> <p>No confirmation was provided for this transshipment by the <i>Cool Girl</i> or Panama.</p>	<p>For this activity, Panama reports that it received the Pre-Notification on the same day it received the transshipment confirmation, July 27, 2022 at 18:53 UTC. The vessel failed to comply with the 72-hour pre-notification deadline established by the Commission, therefore, this activity was carried out without authorization from Panama. The failure to report this activity was documented and referred to the legal department for the evaluation and initiation of an administrative sanction process.</p> <p>Preliminary Status: Non-compliant (Level 2)</p>	Non-compliant (Level 2)	See paragraph 112

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
Panama	<i>Cool Girl</i>	<p>CM 10-09, paragraph 5, states that each Flag State shall confirm the information provided for a transshipment in accordance with paragraphs 2 or 3 to the Secretariat within 3 working days of having transhipped.</p> <p>The Secretariat received a confirmation from the <i>Fu Yuan Yu 9818</i> on 02:53 UTC 28 Jul 2022 of its transshipment of supplies, spare parts, Cartons on 26 July 2022 with the <i>Cool Girl</i>.</p> <p>No confirmation was provided for this transshipment by the <i>Cool Girl</i> or Panama.</p>	<p>This activity was not notified, nor confirmed to Panama by the Panamanian vessel, failing to report its activities to the competent authorities, therefore, Panama documented and generated an event report that was sent to the legal department for the evaluation and opening of an administrative sanction process.</p> <p>Preliminary Status: Non-compliant (Level 2)</p>	Non-compliant (Level 2)	See paragraph 112
Panama	<i>Frio Olympic</i>	<p>CM 10-09, paragraph 8, prohibits a vessel to tranship within the Convention Area where a prior notification has not been provided.</p> <p>The Secretariat received a confirmation on 11:23 UTC 28 May 2023 from the <i>Frio Olympic</i> confirming the transshipment of krill with the <i>Sae In Leader</i> from 27–28 May 2023.</p> <p>No prior notification was provided by the <i>Frio Olympic</i> or Panama.</p>	<p>Panama considers that the information provided by the CCAMLR Secretariat is correct and has communicated to its vessels the obligation to comply with the time limits established for reporting activities in this regulated area and to monitor compliance. Improvements in delivery times are considered. The vessel has informed that it will comply with the Commission's requirements.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required
Panama	<i>Frio Olympic</i>	<p>CM 10-09, paragraph 8, prohibits a vessel to tranship within the Convention Area where a prior notification has not been provided.</p> <p>The Secretariat received a confirmation on 22:51 UTC 29 May 2023 from the <i>Frio Olympic</i> confirming the transshipment of krill with the <i>Sejong</i> from 28–29 May 2023.</p>	<p>Panama evidences compliance in this report of the activity carried out by the vessel <i>Frio Olympic</i>, and that it presented the pre-notification on 24/05/23 at 11:42 UTC time, with a copy to the Secretariat of the Commission. Previous reporting time was 94 hours in advance, therefore, it complies with the 72 hours previous deadline established by the Commission. This activity was carried out with</p>	Compliant	See paragraph 114

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		No prior notification was provided by the <i>Frio Olympic</i> or Panama.	Panama's authorization (Annexes 2 and 2.1). Preliminary Status: Compliant		
Panama	<i>Frio Olympic</i>	<p>CM 10-09, paragraph 8, prohibits a vessel to tranship within the Convention Area where a prior notification has not been provided.</p> <p>The Secretariat received a confirmation on 05:40 UTC 03 Jun 2023 from the <i>Frio Olympic</i> confirming the transshipment of krill with the <i>Long Fa</i> from 01–03 June 2023.</p> <p>No prior notification was provided by the <i>Frio Olympic</i> or Panama.</p>	<p>Panamá evidencia el cumplimiento para el reporte de esta actividad realizada por el buque <i>Frio Olympic</i>, y que presentó la pre notificación el día 27/05/23 a las 21:41 hora UTC, con copia a la Secretaría de la Comisión. Tiempo previo de reporte 110 horas de anticipación, por lo tanto, se cumple con el plazo previo de 72 horas establecidas por la comisión. Está activiad se llevo a cabo con la autorización por parte de Panamá. (Anexos 3 y 3.1).</p> <p>Panama attests to the compliance with the notification regulations regarding the activity carried out by the '<i>Frio Olympic</i>'. The vessel pre-notified the activity on 27 May 2023 at 21:41 UTC, with Cc to the Commission Secretariat. The 72-hour deadline established by the Commission was complied with, as the notification was submitted 110 hours in advance of the deadline. The abovementioned activity was carried out with Panama's authorisation (Annexes 3 & 3.1).</p> <p>Preliminary Status: Compliant</p>	Compliant	See paragraph 114
Panama	<i>Frio Olympic</i>	<p>CM 10-09, paragraph 8, prohibits a vessel to tranship within the Convention Area where a prior notification has not been provided.</p> <p>The Secretariat received a confirmation on 16:47 UTC 22 May 2023 from the <i>Frio Olympic</i></p>	<p>Panama evidences compliance for the report of this activity carried out by the vessel <i>Frio Olympic</i>, and that it presented the pre-notification on 14/05/23 at 18:21 UTC time, with a copy to the Commission's Secretariat. Previous</p>	Compliant	See paragraph 114

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>confirming the transshipment of krill with the <i>Long Fa</i> from 20–22 May 2023.</p> <p>No prior notification was provided by the <i>Frio Olympic</i> or Panama.</p>	<p>reporting time 480 hours in advance, therefore, it complies with the 72 hours previous deadline established by the Commission. This activity was carried out with Panama's authorization (Annexes 1 and 1.1).</p> <p>Preliminary Status: Compliant</p>		
Russian Federation	<i>Frio Antwerp</i>	<p>CM 10-09, paragraph 2, states that each Flag State shall notify the Secretariat at least 72 hours in advance if any of its vessels intend to tranship within the Convention Area.</p> <p>CM 10-09, paragraph 3 clarifies that that this notification requirement covers the transshipment of harvested marine living resources, bait or fuel.</p> <p>The Secretariat received a notification on 12:42 UTC 21 Apr 2023 from the <i>Frio Antwerp</i> notifying its intention to tranship krill with the <i>Sejong</i> at 09:00 UTC 24 Apr 2023.</p> <p>Prior notice of transshipment received 68 hours 18 minutes before transshipment.</p>	<p>In accordance with the time charter agreement dated January 30, 2023, the Greek company Lavinia acted as the operator of the vessel during the specified period of time. Based on the results of the investigation, it was revealed that the captain of the vessel sent information on the planned transshipments to the vessel's operator. At the same time, due to a misunderstanding between the operator and the vessel's crew, there were problems with determining the person responsible for transmitting data to the CCAMLR Secretariat. For the duration of the investigation, the captain of the vessel was suspended from duty until passing certification for knowledge of the requirements of international organizations.</p> <p>Further Action: Briefing shipowners' representatives on more detailed information on transshipment management in the CCAMLR regulatory area.</p> <p>Preliminary Status: Non-compliant (Level 2)</p>	Non-compliant (Level 2)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
Russian Federation	<i>Frio Antwerp</i>	<p>CM 10-09, paragraph 5, states that each Flag State shall confirm the information provided for a transshipment in accordance with paragraphs 2 or 3 to the Secretariat within 3 working days of having transhipped.</p> <p>The Secretariat received a confirmation from the <i>Sae In Leader</i> on 05:19 UTC 30 Apr 2023 of its transshipment of Krill from 29–30 April 2023 with the <i>Frio Antwerp</i>.</p> <p>No confirmation was provided for this transshipment by the <i>Frio Antwerp</i> or the Russian Federation.</p>	<p>In accordance with the time charter agreement dated January 30, 2023, the Greek company Lavinia acted as the operator of the vessel during the specified period of time. Based on the results of the investigation, it was revealed that the captain of the vessel sent information on the planned transshipments to the vessel's operator. At the same time, due to a misunderstanding between the operator and the vessel's crew, there were problems with determining the person responsible for transmitting data to the CCAMLR Secretariat. For the duration of the investigation, the captain of the vessel was suspended from duty until passing certification for knowledge of the requirements of international organizations.</p> <p>Further Action: Briefing shipowners' representatives on more detailed information on transshipment management in the CCAMLR regulatory area.</p> <p>Preliminary Status: Non-compliant (Level 2)</p>	Non-compliant (Level 2)	No further action required
Russian Federation	<i>Frio Antwerp</i>	<p>CM 10-09, paragraph 5, states that each Flag State shall confirm the information provided for a transshipment in accordance with paragraphs 2 or 3 to the Secretariat within 3 working days of having transhipped.</p> <p>The Secretariat received a confirmation from the <i>Sae In Leader</i> on 08:47 UTC 14 May 2023 of its</p>	<p>In accordance with the time charter agreement dated January 30, 2023, the Greek company Lavinia acted as the operator of the vessel during the specified period of time. Based on the results of the investigation, it was revealed that the captain of the vessel sent information on the planned transshipments to the vessel's</p>	Non-compliant (Level 2)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>transhipment of Krill from 13–14 April 2023 with the <i>Frio Antwerp</i>.</p> <p>No confirmation was provided for this transhipment by the <i>Frio Antwerp</i> or the Russian Federation.</p>	<p>operator. At the same time, due to a misunderstanding between the operator and the vessel's crew, there were problems with determining the person responsible for transmitting data to the CCAMLR Secretariat. For the duration of the investigation, the captain of the vessel was suspended from duty until passing certification for knowledge of the requirements of international organizations.</p> <p>Further Action: Briefing shipowners' representatives on more detailed information on transhipment management in the CCAMLR regulatory area.</p> <p>Preliminary Status: Non-compliant (Level 2)</p>		
Russian Federation	<i>Frio Antwerp</i>	<p>CM 10-09, paragraph 8, prohibits a vessel to tranship within the Convention Area where a prior notification has not been provided.</p> <p>The Secretariat received a confirmation from the <i>Sae In Leader</i> on 05:19 UTC 30 April 2023 of its transhipment of Krill from 29-30 April 2023 with the <i>Frio Antwerp</i>.</p> <p>No prior notification was provided for this transhipment by the <i>Frio Antwerp</i> or the Russian Federation.</p>	<p>In accordance with the time charter agreement dated January 30, 2023, the Greek company Lavinia acted as the operator of the vessel during the specified period of time. Based on the results of the investigation, it was revealed that the captain of the vessel sent information on the planned transhipments to the vessel's operator. At the same time, due to a misunderstanding between the operator and the vessel's crew, there were problems with determining the person responsible for transmitting data to the CCAMLR Secretariat. For the duration of the investigation, the captain of the vessel was suspended from duty until passing</p>	Non-compliant (Level 2)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
			<p>certification for knowledge of the requirements of international organizations.</p> <p>Further Action: Briefing shipowners' representatives on more detailed information on transshipment management in the CCAMLR regulatory area.</p> <p>Preliminary Status: Non-compliant (Level 2)</p>		
CM 21-03					
Norway	<i>Antarctic Endurance</i>	<p>CM 21-03, paragraph 2, states the notification shall include the information prescribed in paragraph 3 of Conservation Measure 10-02 in respect of each vessel proposing to participate in the fishery.</p> <p>CM 10-02, paragraph 3 (xiii), states that each Contracting Party shall provide to the Secretariat within seven days of the issuance of the licence and prior to the vessel fishing in the Convention Area the description of the gear used.</p> <p>Observer report #2298 for the <i>Antarctic Endurance</i> for the period 2 Dec 2022 to 18 Jan 2023 noted the following: ‘The observer obtained a diagram of the net used by the vessel (provided by the Captain), however, it did not match the CCAMLR specification on website (See 118438-104908-antarctic-endurancenet.pdf (ccamlr.org)) (Figure 1, Figure 2).’</p>	<p>The hand drawn diagram provided by the captain on board the vessel shows the net length as 130 m. This drawing shows however the trawl net only. The intermediary and the codend are not included. The diagram on the CCAMLR website shows the net to be 185 m. This drawing also includes the intermediary (ca 30 m) and the codend (ca 30 m). On this basis we are of the opinion that the description on the website, which has been submitted as a part of the notification procedure, correctly reflects the gear used.</p> <p>Preliminary Status: Compliant</p>	Compliant	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		The information of gear type provided on the CCAMLR website is used as part of the notification procedure, notably the completion of CM 21-03, Annex A.			
CM 22-07					
Japan	<i>Shinsei Maru No. 8</i>	<p>CM 22-07, paragraph 9, states that a VME Risk Area shall remain closed for any fishery until reviewed by the Scientific Committee and management actions are determined by the Commission.</p> <p>CM 22-07, paragraph 2 (v), defines a 'Risk Area' of having a 1 n mile radius from the midpoint of the line segment for which 10 or more VME indicator units are recovered. CCAMLR's VME registry is available here: https://www.ccamlr.org/en/document/data/camlr-vme-registry</p> <p>The <i>Shinsei Maru</i> reported in C2 data for 14 December 2022 on haul 13 a start set latitude and longitude of 75° 2.24 S and 176° 43.37 W, and a set end latitude and longitude of 75° 7.6 S and 176° 13.09 W.</p> <p>This haul setting crossed nine VME risk areas: 88.1_16665 88.1_16667 88.1_16668 88.1_16669 88.1_16675 88.1_16676 88.1_16677 88.1_16683 88.1_16684</p>	<p>(1) We investigated Haul No.13, including checking with VMS data and relevant documents onboard.</p> <p>(2) The position at which the haul No.13 started is not -176.43.37, the position recorded and reported in C2, but -176.13.37. We will re-submit the revised C2 as soon as possible.</p> <p>(3) Following the definition of 'Haul' specified in 'Commercial Data Collection Manual Longline Fisheries Version 2023', the crew onboard the vessel record the position at which the last anchor is recovered as the haul end position.</p> <p>(4) Taking into account (3) above, -176.21.33, the haul end position reported in C2, is considered to be the position at which the last anchor of the haul No.13 was recovered. On the other hand, the VMS data indicated that the vessel was at the different position from the reported haul end position at the time 05:24 on 15th Dec., the haul end time reported in C2.</p> <p>(5) Based on the VMS data, relevant documents on board and interviews with crew, it is presumed as follows; - Although the vessel recovered the last anchor at the reported haul end position, the sea current and floating ices inevitably made the line become entangled and drift away.</p>	Compliant	See paragraphs 116-118

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		Attached to this record is a graphical representation.	<p>- Even after recovering the last anchor, the vessel needed to continue to try to recover the entangled line drifting away under the sea.</p> <p>- The time when the whole entangled line was recovered was reported as the haul end time in C2.</p> <p>- In the process of the recovery, the vessel entered the VME risk area.</p> <p>(6) We would like to request SCIC to discuss on whether or not Paragraph 9 of CM 22-07 prohibiting any fishery within the area is applied to this case.</p> <p>Further Action: We plan to take appropriate actions against the vessel and the owner in accordance with national regulations, taking into account the decision and discussion by SCIC.</p> <p>Preliminary Status: Need of interpretation by SCIC</p>		
CM 25-03 (2021)					
Norway	<i>Antarctic Sea</i>	<p>CM 25-03 (2021), paragraph 1, states the use of net monitoring cables are prohibited. However, CM 25-03, footnote 2, allows for their use on vessels using continuous trawl following the specifications of Annex 25-03/A.</p> <p>Annex 25-03/A, paragraph (iv) requires an observation rate of strikes on the net monitoring cable and warp must be: '(a) with every vessel participating in the trial achieving on-vessel observation coverage of at least 5% of total active fishing time.'</p>	According to CM 25-03 (2021) Annex 25-03/A paragraph (i) 'the observer(s) shall conduct observations on incidental mortality on the net monitoring cable, trawl warp and mitigation device(s) at least twice daily while fishing'. Further, Annex 25-03/A paragraph (iv) requires that the observation rates of strikes on the net monitoring cables and warps must be (a) 'with every vessel participating in the trial achieving on-vessel observation coverage of at least 5% of total active fishing time.'	Compliant	See paragraph 119

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>The Secretariat interpreted that the requirement for observations of at least 5% of total active fishing time requires observations to be completed by an observer on deck following the protocols outlined in SISO.</p> <p>WG-IMAF-2022/11 was submitted to WG-IMAF-2022 reporting on the trials conducted in the 2021/22 season, as per Annex 25-03/A, paragraph (v)(i). The report noted in Table 1 the <i>Antarctic Sea</i> trawl time was 1248 hours and the observed from deck time was 59 hours, giving an observation rate of 4.7%.</p>	<p>It is not clear from the wording of this paragraph that the observations must be made on deck.</p> <p>Warp cables and net monitoring cables on board the Norwegian krill vessels in the 2021/22 season were monitored according to the following protocols (as also described in WG-IMAF-2022/11):</p> <ul style="list-style-type: none"> • 3 x 15-minute warp strike observations performed from the deck or bridge each day • 4 x 15-minute video observations each day performed by the at-sea observer • Additional video review by onshore observers to raise monitoring coverage on the portside of each vessel to ~20% (<i>Antarctic Endurance</i> and <i>Saga Sea</i>) or ~10% (<i>Antarctic Sea</i>) <p>These protocols were discussed during a Teams meeting back in 2020 and in a subsequent e-group.</p> <p>As shown in table 1 of WG-IMAF-2022/11 the 3 observations performed on deck gave an observation rate of 4.7%. The remainder of the 5% requirement was achieved by the 4 daily 15-minute video observations at sea. These at sea observations are however not clearly reflected in table 1 as the table does not differentiate between video observations performed at sea and video observations performed on shore.</p>		

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
			<p>It is Norway’s opinion that the monitoring protocol described in WG-IMAF-2022/11 is in line with the requirements of CM 25-03 (2021) Annex 1.</p> <p>In any case it should be underlined that WG-IMAF-2022/11, which forms the basis for this case, only covers the period between April and June, and not the fishing season as a whole.</p> <p>Preliminary Status: Compliant</p>		
Norway	<i>Saga Sea</i>	<p>CM 25-03 (2021), paragraph 1, states the use of net monitoring cables are prohibited. However, CM 25-03, footnote 2, allows for their use on vessels using continuous trawl following the specifications of Annex 25-03/A.</p> <p>Annex 25-03/A, paragraph (iv) requires an observation rate of strikes on the net monitoring cable and warp must be: ‘(a) with every vessel participating in the trial achieving on-vessel observation coverage of at least 5% of total active fishing time.’</p> <p>The Secretariat interpreted that the requirement for observations of at least 5% of total active fishing time requires observations to be completed by an observer on deck following the protocols outlined in SISO.</p> <p>WG-IMAF-2022/11 was submitted to WG-IMAF-2022 reporting on the trials conducted in the 2021/22 season, as per Annex 25-03/A, paragraph (v)(i).</p>	<p>According to CM 25-03 (2021) Annex 25-03/A paragraph (i) ‘the observer(s) shall conduct observations on incidental mortality on the net monitoring cable, trawl warp and mitigation device(s) at least twice daily while fishing’. Further, Annex 25-03/A paragraph (iv) requires that the observation rates of strikes on the net monitoring cables and warps must be (a) ‘with every vessel participating in the trial achieving on-vessel observation coverage of at least 5% of total active fishing time.’ It is not clear from the wording of this paragraph that the observations must be made on deck.</p> <p>Warp cables and net monitoring cables on board the Norwegian krill vessels in the 2021/22 season were monitored according to the following protocols (as also described in WG-IMAF-2022/11)</p>	Compliant	See paragraph 119

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>The report noted in Table 1 for the <i>Saga Sea</i> the trawl time was 1 153 hours and the observed from deck time was 56 hours, giving an observation rate of 4.8%.</p>	<ul style="list-style-type: none"> • 3 x 15-minute warp strike observations performed from the deck or bridge each day • 4 x 15-minute video observations each day performed by the at-sea observer • Additional video review by onshore observers to raise monitoring coverage on the portside of each vessel to ~20% (<i>Antarctic Endurance</i> and <i>Saga Sea</i>) or ~10% (<i>Antarctic Sea</i>) <p>These protocols were discussed during a Teams meeting back in 2020 and in a subsequent e-group.</p> <p>As shown in table 1 of WG-IMAF-2022/11 the 3 observations performed on deck gave an observation rate of 4.8%. The remainder of the 5% requirement was achieved by the 4 daily 15-minute video observations at sea. These at sea observations are however not clearly reflected in table 1 as the table does not differentiate between video observations performed at sea and video observations performed on shore.</p> <p>It is Norway’s opinion that the monitoring protocol described in WG-IMAF-2022/11 is in line with the requirements of CM 25-03 (2021) Annex 1.</p> <p>In any case it should be underlined that WG-IMAF-2022/11, which forms the basis for this case, only covers the period between April and June, and not the fishing season as a whole.</p>		

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
Preliminary Status: Compliant					
CM 26-01					
Chile	<i>Puerto Ballena</i>	<p>CM 26-01, paragraph 5, states that any packaging bands once removed shall be cut into approximately 30 cm sections and burned in the on-board incinerator at the earliest opportunity.</p> <p>Observer report number 2 386 for the <i>Puerto Ballena</i> for the period 9 Dec 22 to 14 Feb 23 noted the following: ‘this vessel has a heat-sealing strapping machine for plastic bands used for packing boxes with by-products, for HGT TOA from 1 to 10 kg and macrourids HGT (GRV). The failed packaging bands were stored in bags with nylon and other waste that was not incinerated since the vessel's incinerator cannot reduce this type of plastic.’</p>	<p>Regarding this event, information collected from the Scientific Observer and the shipowner confirms the existence of plastic packaging bands. These were removed and cut according to Conservation Measure 26-01. However, doubts regarding the capability of the vessel’s on-board incinerator resulted in the bands not being burned immediately by were stored and were incinerated once the vessel left CCAMLR area.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required
CM 33-03					
Ukraine	<i>Koreiz</i>	<p>CM 33-03, paragraph 5, requires a vessel to move 5 nautical miles where the bycatch of any one species is equal to or greater than 1 tonne and shall not return to any point within the 5 nautical miles where the by-catch exceeded 1 tonne for a period of at least 5 days.</p> <p>CM 33-03, paragraph 3, states for this measure ‘<i>Macrourus spp.</i>’ should be counted as a single species. One nautical mile is equivalent to 1 852 meters. Five nautical miles is equivalent to 9 260 meters.</p> <p>The <i>Koreiz</i> in Subarea 88.1 reported for haul number 62, which completed hauling at 14:25</p>	<p>The incident was considered and investigated. Crew instructed to avoid the same situation in the future.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p data-bbox="618 252 1077 308">UTC 27 Jan 2023, a total bycatch of 1.57 t of <i>Macrourus</i> spp.</p> <p data-bbox="618 344 1088 464">The distance to the next closest line set (line number 67 on 17:29 UTC 28 Jan 2023) was calculated to be 5 335 meters (2.9 nautical miles).</p> <p data-bbox="618 501 1010 557">Attached to this record is a graphical representation.</p>			
CM 41-01					
Australia	<i>Antarctic Aurora</i>	<p data-bbox="618 627 1137 746">CM 41-01, Annex B, paragraph 5 (ii), states that designated research hauls shall comprise for longlines at least 3 500 hooks and no more than 5 000 hooks.</p> <p data-bbox="618 783 1144 935">The Antarctic Aurora was fishing in Division 58.4.2 and reported in its C2 data from 5–6 February 2023 1 individual haul that consisted of 1 131 hooks with the fishing purpose of research ('R').</p> <p data-bbox="618 971 1099 1059">It was noted in the C2 submission for haul 51 'Shot aborted as line was not tied, hauled immediately'.</p> <p data-bbox="618 1096 1111 1120">No catch was reported for this haul in C2 data.</p>	<p data-bbox="1178 627 1637 935">The vessel encountered operational issues with the deployment of its fishing gear during setting (Set/Haul #51). One magazine was inadvertently set without being tied to the following magazine and therefore it did not have buoys or grapnel on one end. To prevent gear loss, the vessel aborted the set and immediately hauled gear, thereby not deploying the full number of planned hooks.</p> <p data-bbox="1178 971 1626 1059">In the absence of guidance on data collection for aborted or failed sets/hauls, the set/haul was recorded on the C2 form.</p> <p data-bbox="1178 1096 1626 1208">Australia suggests that the C2 form be amended to facilitate recording of invalid sets that are aborted due to operational issues.</p> <p data-bbox="1178 1244 1626 1396">Further Action: Australia suggests that the C2 form be amended to facilitate recording of invalid sets that are aborted due to operational issues.</p>	No compliance status assigned	See paragraphs 127–128

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
			Preliminary Status: Need of interpretation by SCIC		
Australia	<i>Antarctic Aurora</i>	<p>CM 41-01, Annex B, paragraph 5 (iii), states that each research hauls must have a soak time of not less than six hours (360 minutes), measured from the time of completion of the setting process to the beginning of the hauling process.</p> <p>The <i>Antarctic Aurora</i> was fishing in Division 58.4.2 and reported in its C2 data from 5–6 February 2023 2 hauls that had less than 6 hours of soaking time with the fishing purpose of research ('R').</p> <p>Haul 51 ended setting on 22:30 5 February 2023 and begun hauling on 23:20 5 February 2023. Soak time was 50 mins Haul 54 ended setting on 11:11 6 February 2023 and begun hauling on 15:59 6 February 2023. Soak time was 288 mins.</p> <p>It was noted in the C2 submission for haul 51 'Shot aborted as line was not tied, hauled immediately' and for haul 54 'broken line, picked up 2nd end vessel shut down 4 hrs'.</p> <p>No catch was reported for haul 51 in C2 data.</p>	<p>The vessel encountered operational issues with the deployment of its fishing gear during setting (Set/Haul #51). One magazine was inadvertently set without being tied to the following magazine and therefore it did not have buoys or grapnel on one end. To prevent gear loss, the vessel aborted the set and immediately hauled gear, thereby not meeting the required soak time.</p> <p>The vessel suffered an electrical failure during fishing operations (Set/Haul # 54) and lost power for 4hrs. To avoid entanglement of the fishing gear, the crew cut the mainline and ended the set. The gear was hauled in advance of its full soak time to prevent gear loss, due to concerns over the depth of the cut line and strong currents, which would have hampered recovery efforts if the full soak time had been adhered to.</p> <p>Australia suggests that the C2 form be amended to facilitate recording of invalid sets that are aborted due to operational issues.</p> <p>Further Action: Australia suggests that the C2 form be amended to facilitate recording of invalid sets that are aborted due to operational issues.</p>	No compliance status assigned	See paragraphs 127-128

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
Korea, Republic of	<i>Greenstar</i>	<p>CM 41-01, Annex B, paragraph 5 (ii), states that designated research hauls shall comprise for longlines at least 3 500 hooks and no more than 5 000 hooks.</p> <p>The <i>Greenstar</i> was fishing in subarea 88.3 as per CM 24-05 (Fishing for research purposes pursuant to Conservation Measure 24-01) and reported in its C2 data from 24 February 2023 to 31 March 2023 97 individual hauls that consisted of 5 640 hooks per a haul with the fishing purpose of research ('R').</p>	<p>Preliminary Status: Need of interpretation by SCIC</p> <p>CM 41-01 (General measures for exploratory fisheries for <i>Dissostichus</i> spp. in the Convention Area) governs exploratory fisheries, and the relevant Statistical Divisions where Korean-flagged vessels were notified and fishing in the season are 88.1, 88.2 and 58.4.1. Annex B of CM 41-01 is an integral part of the CM, and applies to the exploratory fisheries specified in paragraph 6(iii) of CM21-02 that are required to provide a Research Plan, namely, Statistical Subarea 48.6 and Statistical Divisions 58.4.1, 58.4.2 and 58.4.3a.</p> <p>Scientific research in 88.3, however, is governed by CM 24-01 (The application of conservation measures to scientific research) and CM 24-05 (Fishing for research purposes pursuant to Conservation Measure 24-01) and not by Annex B of CM 41-05 that states designated research hauls shall comprise for longlines at least 3,500 hooks and no more than 5 000 hooks.</p> <p>The <i>Greenstar</i> has been conducting scientific research in 88.3 since 2016, following the research plans reviewed approved by the Scientific Committee. Their research plans indicate the length of longlines (RB1-5: 11,000m, others: 7,000m) rather than the number of hooks.</p>	Compliant	See paragraphs 125-126

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
			<p>Since 2018, the <i>Greenstar</i> has been undertaking joint research activities with Ukraine, and has been using more than 5,000 hooks (maximum) each season when converted from the length of the lines into the number of the hooks.</p> <p>For ease of reference, Korea has attached the research plan submitted in September 2022 for the review at the WG-FSA. No issue was raised regarding the content of the research plan, and it was approved by the SC. If there was any element that was not consistent with the requirements under CCAMLR conservation measure, the plan would have not been approved.</p> <p>In conclusion, the potential compliance issue identified by the Secretariat does not apply to the <i>Greenstar</i>, which is not governed by CM 41-01, which is ‘general measures for exploratory fisheries’ and its Annex B, which is applied to Statistical Subarea 48.6 and Statistical Divisions 58.4.1, 58.4.2 and 58.4.3a.</p> <p>Further Action: No further action required</p> <p>Preliminary Status: Compliant</p>		
Spain	<i>Tronio</i>	<p>CM 41-01, Annex B, paragraph 5 (i), states that each research haul must be separated by not less than 3 n miles from any other research haul with the distance to be measured from the geographical midpoint of each research haul. Footnote 2 permits research in the 2022/23 season to have up</p>	<p>Response submitted to the Secretariat by the European Union (EU) via email:</p> <p>Regarding CM 41-01, an investigation concerning a possible infringement has been launched. We will report back on any</p>	Need of interpretation by SCIC	See paragraphs 122-124

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>to 50% of research lines set with less than 3 n miles separation.</p> <p>Under CM 21-02 the <i>Tronio</i> undertook researching fishing for Antarctic Toothfish in Subarea 48.6. The research plan is WG-SAM-2022/02.</p> <p>Analysis of the research fishing undertaken by the <i>Tronio</i> in Subarea 48.6 identified that 92 of the 169 hauls (54%) were set within 3 n miles of each other.</p> <p>Attached to this record is additional data identifying the distance between the identified hauls.</p>	<p>developments at the time of the SCIC meeting at the latest. At this stage we do not have enough information to propose a concrete compliance status and its follow-up.</p> <p>Preliminary Status: No compliance status assigned</p>		
Ukraine	<i>Marigolds</i>	<p>CM 41-01, Annex B, paragraph 5 (ii), states that designated research hauls shall comprise for longlines at least 3 500 hooks and no more than 5 000 hooks.</p> <p>The Marigolds was fishing in subarea 88.3 as per CM 24-05 (Fishing for research purposes pursuant to Conservation Measure 24-01) and reported in its C2 data from 20 April 2023 to 23 April 2023 5 individual hauls that consisted of 3 150 hooks per haul with the fishing purpose of survey ('S').</p>	<p>Lines of length 7 000 m (3 150 hooks) were set in the research block 88.3_7 according to the research plan WG-FSA-2022/26.</p> <p>Length of lines may be increased to 11 000 m (4 950 hooks) (proposed for other research blocks) for the next research season.</p> <p>Preliminary Status: Compliant</p>	Compliant	See paragraphs 125-126
CM 91-05					
Spain	<i>Tronio</i>	<p>CM 91-05, paragraph 24, requires Flag States to notify the Secretariat prior to entry of their fishing vessels into the MPA.</p>	<p>Response submitted to the Secretariat by the European Union (EU) via email:</p>	Minor non-compliant (Level 1)	See paragraph 129

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
		<p>A movement notification for the <i>Tronio</i> was provided on 06:45 UTC 20 Dec 2022 which confirmed entry into RSR MPA GPZ (i) on 03:27 UTC 20 Dec 2022.</p> <p>Time difference: 3 hours 18 minutes after entry</p>	<p>On CM 91-05, we note that there was a 7-minute delay in the transmission of the exit report. We have undertaken an investigation and the vessel master has been provided with a reminder and a warning. We apologise for this situation. We endeavour to avoid the repetition of this instance of non-compliance in the future. We consider this matter to be minor non-compliant (level 1) and no further action required.</p> <p>Further Action: no further action required</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		

Proposed List of Non-Contracting Party IUU Vessels 2023/24 (Conservation Measure 10-07)
To be considered as an addition to 2022/23 NCP IUU Vessel List

Vessel Name	Flag	IMO Number	Call Sign	Nature and date of activity(s)	Year Listed	Ownership History
<i>Cobija</i>	Unknown	7330399	CPB3000	Fishing without authorisation (Division 58.4.3b) December 2017 to March 2018 and February to June 2020	2023	Express Financial Ventures Group

Contracting Party IUU Vessel List 2021/22

Vessel name	Flag	IMO Number.	Call sign	Nature and date of activity(s)	Year Listed	Ownership history
<i>El Shaddai</i>	South Africa	8025082	ZR6358	Fishing inside a closed area (Subarea 58.7) (26 May to 8 August 2015 and 6 May to 22 June 2016)	2021	Braxton Security Services CC
Previous Names:						
• <i>Banzare</i>						



Doc. 02/CCAMLR-23

Hobart Tasmania – Australia

18 October 2023

CCAMLR -42/BG/08 Rev 1

FISHERY NOTIFICATIONS 2023/2024

Ref. Republic of Namibia Exploratory longline fishery for *Dissostichus* ssp in subarea 88.1 and 88.2

Dear colleagues we take the opportunity to thank you all for the warm welcome to CCAMLR 42.

With reference to the Republic of Namibia's notification to fish in the Convention Area with the vessel MFV Helena Ndume in the 2023/2024 season we would like to provide the following background information:

1. That in accordance with CM 21-02 we submitted the exploratory fishery application in due time for subarea 88.1 and 88.2 on the 31st of May 2023. We received email confirmation from the secretariat that both fishery notifications were successfully submitted (email from ccamlr@ccamlr.org, Wednesday 31 May 2023)
2. The 1st of June 2023@ 03:44 we received an email communication from Mr. Henrique Anatole the Fishery Monitoring and Compliance Data Officer in which he noticed that the VMEs was missing. Mr. Anatole stated that:

*“We change Namibia notifications status back to draft **to allow you to attach the required documents**. Please, after attaching the documents submit the notification again.”*

3. On the 9th of June 2023 the Namibian Minister of Fisheries submit the missing VME as per the secretariat instruction.
4. Subsequently, the 13th of June the fishing company received and paid CCAMLR invoice 0000429 for our 88.1 and 88.2 subareas fees.
5. On the 31st of July the company ordered from the CCAMLR all the proper tagging equipment. Payment was made on the 29th of August.

Therefore, the Namibian government has conducted its communication in full coordination with the CCAMLR secretariat. Please note that the 3rd and 4th of June was a weekend, therefore the soonest the amendments could get our attention was as from the 5th of June. It is also worth noting that Government officials had to work on the amendments together with the vessel owners. This caused the properly amended document to reach the secretariat on the 9th of June.

We note that the current draft text of the SCIC Meeting report records that:

“The Chair of the Scientific Committee noted the issue regarding the late submission of a Vulnerable Marine Ecosystem (VME) impact assessment by Namibia in their fishing notification to conduct bottom fishing in Subareas 88.1 and 88.2. The Chair of the Scientific Committee noted that the Scientific Committee did not have the time to review any VME impact assessments for this year and noted that this would be a matter for the Commission to provide further advice on.”

Given that The Scientific Committee did not review any VME impact assessments for Fishery notifications this year, the late submission of the Republic of Namibia’s VME impact assessment would not have had any material value to the applications in relation to the assessment of benthic interactions for the 2023/24 season.

Namibia would further like to impress on the Commission that CCAMLR as an organization should understand that some of its members, like Namibia are developing countries that have unique challenges that may not be conceivable in developed member states. Clearly, we would not have had this discussion if a developing country that is member of CCAMLR was not simply trying to partake in the activities of the Commission, to which it has been a fully paid-up member for over 20 years without having harvested any living marine resources from the convention area. Our efforts on the application process are clear, documented and in good faith with compliance to the rules even if it is with shortcomings as a result of lack of experience that resulted in a technical administrative mishap.

Noting the above, we hope that Members will be able to Support the notification for the MFV Helena Ndume for 88.1 and 88.2 for the 2023/24 season.

We would like to sincerely apologize for any possible misunderstanding and always reassure to our fellow members that we acted under the utmost compliance and diligence.

Thank you for your understanding, hoping that you find our explanation of your satisfactory.

Sincerely,

Uetitiyua Kauaria

Head Delegate

Deputy Executive Director

Minister of Fisheries and Marine Resources.

Republic of Namibia

All email communications that serve as supporting documentation can be shared upon request from the members.

**Report of the Standing Committee on
Administration and Finance 2023 (SCAF-2023)**

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**Report of the Meeting of the Standing Committee
on Administration and Finance 2023 (SCAF-2023)**
(Hobart, Tasmania, 18 to 20 October 2023)

Opening of the meeting

1. Ms S. Langerock (Belgium), as Chair of the Standing Committee on Administration and Finance (SCAF) for its 2023 meeting, facilitated discussions on Item 10 of the Commission's agenda.
2. The Chair welcomed delegates to the meeting, encouraging a round table introduction to increase levels of familiarity and cooperation across the participants.

Organisation of the meeting

3. SCAF considered its agenda as adopted by the Commission.

Annual Financial Statements

4. The Secretariat introduced CCAMLR-42/03 Rev. 1 which contains the 2021 and 2022 financial statements, clarifying that the 2021 Financial Statements were not available for review and approval at SCAF 2022. The 2022 Financial Statements were signed off by the Australian National Audit Office (ANAO) on 11 October 2023.
5. The Executive Secretary thanked ANAO and Secretariat staff for their efforts in compiling and auditing the financial statements and expressed thanks to Australia for their support in allowing CCAMLR to continue to use the ANAO as auditors.
6. SCAF accepted the financial reports for 2021 and 2022 and recommended that the Commission adopt the audited financial statements for the 2021 and 2022 financial years.

Report of the Secretariat

7. The Executive Secretary presented CCAMLR-42/05 and highlighted the following:
 - (i) capacity building activities continued to grow year on year, which is a very positive result but brings the challenge of increased administrative workload for the Secretariat
 - (ii) overseas meetings supported include the Third Special Meeting of the Commission (CCAMLR-SM-III) and numerous working groups. The International Fisheries Observer and Monitoring conference (Hobart, February 2023) was also supported by the Secretariat

- (iii) website development continued with CCAMLR now owning all website code on its own servers. New software was developed for processing catch data from longline fishing, with this complex project supported by EU grant funding
- (iv) the Secretariat continues to review internal policies, with more scheduled for review in 2024
- (v) a review of the Staff Regulations for International Professional Staff was undertaken.
- (vi) following audit adjustments to the 2021 financial statements which increased the projected 2023 budget deficit by bringing forward expenditure from future years into 2022 and 2023, a review of planned expenditure was undertaken. This included postponing the appointment of two staff, a redesign of the website improvement project and a reduced travel budget. This has had a very positive result with the projected 2023 deficit reducing from A\$600 000 to A\$150 000 but it also meant some planned work and support for the Commission could not be undertaken.

8. SCAF accepted the report of the Executive Secretary and congratulated the Secretariat on the large amount of work undertaken in the year and the support offered to all Commission and Scientific Committee activities.

9. SCAF recommended that the Commission request the Secretariat, in cooperation with the Government of Australia, to pursue continuation of the lease on 181 Macquarie Street for the period 2025–2030. SCAF also encouraged the secretariat to continue to explore all options for office and conference facility accommodation for the medium to long term, including the potential plans for a new Antarctic Science Precinct at Macquarie Point.

10. SCAF agreed to maintain the issue of the Headquarters building on its agenda for future years.

11. SCAF noted the proposals to amend the staff regulations contained in Annex B of CCAMLR-42/05. It endorsed the proposed changes and further requested the Secretariat to make the necessary changes to gender-neutrality endorsed by the Commission in respect of its Rules of Procedure in 2021. SCAF recommended that the Commission adopt these revisions to the Staff Regulations.

12. In respect of Staff Regulation 1.10.4, SCAF noted the need to explore definitions of gross dereliction of duties or serious misconduct. It noted also that the Secretariat has developed a working definition in its ‘Disciplinary policy for managing misconduct and serious misconduct’ and requested the Secretariat to keep this under review particularly in relation to the development of the wider CCAMLR Code of Conduct.

Capacity Building

Activities of the General Capacity Building Fund (GCBF)

13. The Secretariat introduced CCAMLR-42/10. The paper presented the activities of the Fund during 2023, noting there were no applications for the general component of the GCBF.

14. There were seven applicants for the Travel component in 2023, with combined support totalling A\$40 000.

15. SCAF thanked the Panel for the paper and noted:

- (i) the progress reports for the A\$150 000 Uruguay grant to support early career scientists
- (ii) the successful applications for travel assistance in 2023
- (iii) that no applications were made to the general component in 2023 in advance of the 15th of July 2023 deadline for receiving applications, although SC-CAMLR-42/BG/04 was received two months after this date
- (iv) that the GCBF Panel currently does not have a Chair and encouraged Members to consider taking up the role
- (v) the call for expressions of interest to join the Panel
- (vi) the request for voluntary contributions from Members.

16. SCAF considered that, in accordance with the deed of funding, the final grant payment due to Uruguay is due after the final report has been submitted to and accepted by the Commission which will not normally occur until CCAMLR-43. To avoid delaying this payment, SCAF recommends that report of CCAMLR-42 indicate the Commission's willingness to receive Uruguay's CCAMLR National Committee's (CICU) final report via post or other means of textual communication, consistent with Rule 7 of the Rules of Procedure. Any Member unwilling to accept the CICU final report would be requested to notify the Secretariat. After a period of 45 days from the date of the Secretariat's communication, if no Member has objected, the final report would be deemed accepted by the Commission, and final payment can be made.

17. SCAF endorsed that the GCBF panel recommend a change to the wording of the GCBF Guidelines proposed in paragraph 21 of CCAMLR-42/10 be made. This would include the sentence 'late applications will not be accepted'.

18. Belgium announced a voluntary contribution of €10 000 to The General Capacity Building Fund.

19. Australia expressed an interest to join the Panel.

20. The Chair introduced SC-CAMLR-42/BG/25 (General Science Capacity Fund) and SCAF noted the report.

21. The USA informed the Committee it had made a voluntary contribution to the General Science Capacity Fund (GSCF) of US\$25 000.

22. SCAF noted and expressed thanks for this voluntary contribution from the USA.

23. The Chair introduced SC-CAMLR-42/BG/04. Whilst members expressed support for the merits of the project, they agreed that funding this project when the application was received

two months after the deadline would set an unacceptable precedent. Therefore, SCAF recommended that the paper be submitted as an application to the general component of the GCBF in 2024.

Review of 2023 Budget, 2024 Draft Budget and 2025 Forecast Budget

Review of 2023 Budget

24. The Secretariat introduced CCAMLR-42/04, noting that whilst there is a healthy level of funding currently available in the General Fund and Working Capital Fund, the Commission should move away from running an annual deficit so as to ensure the long-term financial sustainability of the General Fund.

25. SCAF commended the Secretariat's ongoing efforts in achieving efficiency and cost savings to ameliorate the 2023 budgetary deficit.

26. The Secretariat reported that it was continually reviewing its activities so as to generate cost efficiencies. For instance, it had identified that 60% of working papers submitted to the Commission and Scientific Committee this year had exceeded the 1 500-word limit for translation (CCAMLR-XXIX, paragraph 3.18), which if addressed would save an estimated A\$10 000 in additional translation costs.

27. Some Members currently have unpaid Member contributions for 2023 (Appendix II), although no Members have outstanding contributions from prior financial years. The Secretariat noted that late payments reduce the interest income available to CCAMLR, with an estimated annual budgetary impact of A\$10 000 to A\$20 000 at current interest rates. Several Members indicated either that their contribution had been paid recently or would be paid very soon.

28. Belgium announced its intention to make two voluntary contributions of €10 000 each to the MPA fund and the GCBF. SCAF thanked Belgium for this generous contribution.

29. SCAF noted that in addition to the voluntary contributions from Australia and COLTO to funding the independent review of toothfish assessments (CCAMLR-42/04, paragraph 66), the USA had contributed US\$53 000 to the review through its existing contractual relationship with the Centre for Independent Experts. SCAF thanked the USA, Australia and COLTO for their generous support for this work.

30. SCAF recognised that the GSCF supports some of the most useful activities that CCAMLR supports, including funding scholarships, conveners and experts to workshops. It recognised and thanked the USA for its US\$25 000 voluntary contribution to the fund in 2023 (paragraph 21). It also thanked China for providing funding for Secretariat internships and other training activities through the China fund.

31. SCAF approved the use of the Enforcement Trust Fund to support Secretariat travel to the 7th Global Fisheries Enforcement Workshop, Halifax, Canada, August 2023 and the Compliance and Enforcement fund to support secretariat involvement in a Monitoring, Control and Surveillance workshop hosted by Chile in November 2023.

32. The USA confirmed that any remaining balance in the Compliance and Enforcement (USA) Special Fund remaining after the Monitoring, Control and Surveillance workshop in Chile in November 2023 could be transferred to the General Fund to support travel for compliance related activities.

33. SCAF approved the revised budget for 2023.

Sustainable Financing

34. The United Kingdom introduced CCAMLR-42/23 and invited members to discuss the paper's proposals to address the General Fund budget deficit and increase wider and more diverse meeting participation by supporting hybrid meeting modalities. This would be partially funded through charging for observer and NCP meeting attendance beyond a minimum number of delegates. The paper also proposed more effective recovery of fisheries management costs.

35. The Chair introduced CCAMLR-42/BG/20 and invited members to discuss the paper's proposals to address the General Fund budget deficit through changes to the requirements to the working capital fund, increased cost recovery of fisheries management costs, changes to the member fishing contribution formula and adoption of hybrid meeting modalities.

36. SCAF considered a proposal to reduce the required balance in the working capital fund, noting the need to protect the level of funding available from the general fund. SCAF noted that this action would reduce the General Fund budgetary deficit in the short term but alternative means to improve budget sustainability in the longer term are still needed.

37. SCAF noted that paragraph 1 of the Rules of Procedure of the Working Capital Fund required a review of their operation to be conducted every 4 years. Since such a review is now due, SCAF recommended that an appropriate change to the Financial Regulations to implement the paragraph 36 would be to change Annex 1, paragraph 4, of the Financial Regulations as follows:

4. The minimum amount to be held in the WCF will be established in an amount sufficient to maintain ongoing operations and programs for a set period, measured in months. The target minimum for the WCF is ~~equal to~~ A\$1 350 000 or any other value decided by the Commission from time to time, or three (3) months of average recurring operating costs, whichever is the lower. This calculation will be based on yearly total budgeted expenditure in the General Fund as approved by the Commission at its annual meeting. The WCF target minimum will be calculated each year after the approval of the annual budget. These reserves will be reported to the Commission and included in the annual financial reports. Each year, after the approval of the operating budget, the WCF will be adjusted to maintain the three months' balance.

38. SCAF noted the current level of cost recovery for fisheries management, which includes notification fees and the fishing component of the contributions formula, only contributed A\$663 000 of revenue in 2022 against an estimated fisheries management cost of A\$3 200 000.

39. Most Members supported balancing the income and the expenditure related to fisheries management more appropriately. China reserved its position on this issue noting that other administrative costs also needed to be taken into consideration to develop a comprehensive solution for sustainable financing.

40. Most Members supported an increase in notification fees as an alternative means to improve the sustainability of the budget in the longer term. Several Members requested further time to consult more widely and to discuss the proposals in more detail, including how the money received would contribute to fisheries management costs. Some members proposed that a stepped approach to increasing these fees could be agreed after further consultation, with possible increases of between 30 per cent and 50 per cent proposed for the first year and subsequent increases thereafter.

41. China suggested that all three components of funding – notification fees, fishing component of contributions and the equal share of the contribution – should increase in parallel.

42. Most Members showed openness to review the fishing component of the contributions formula but needed more time to consider this option.

43. Most members were supportive for work to continue intersessionally to develop possible changes to notification fees and the fishing component of the contributions formula. This would allow for more broad internal consultations, as well as with the industry in advance of CCAMLR-43.

44. The proposal to change meeting modalities to support hybrid meetings generated a varied discussion. Whilst there was strong support for the additional interpersonal interaction possible in a face-to-face meeting, some members cited that budgetary and carbon footprint concerns would make the option of attending a meeting virtually attractive to them.

45. The proposal to hold intersessional working group meetings in Hobart every second year gained support from many members, although some cited again the budgetary and carbon footprint concerns noted above.

46. SCAF recommended that:

- (i) the Commission endorses that the minimum level of funding for working capital fund be reduced to A\$1 350 000 and this balance be frozen for a period of four years, until the next scheduled review of the working capital fund is undertaken, and adopts the changes to the Financial Regulations shown in paragraph 37
- (ii) the Commission notes the need to consider an increased cost recovery for fisheries management and other administrative activities to ensure financial sustainability of the general fund
- (iii) the Intersessional Correspondence Group (ICG) continue its work in 2024 to find sustainable financing solutions and provide a proposal to CCAMLR-43.

47. SCAF noted that no consensus was reached on future meeting modalities and that this item will be kept open for future discussion, especially in light of the views expressed by the Scientific Committee.

Draft Budget for 2024

48. Germany and Belgium indicated their country's official position of zero nominal growth in member contributions but acknowledged that they may have some limited flexibility in this position in the short term in line with the principle of zero real growth.

49. The Chair of the Scientific Committee reported that the Committee had recommended the following:

- (i) award of a grant under the CEMP special fund for expenditure of A\$94 511 over two years, with no more than A\$50 000 in any one year
- (ii) that an age determination workshop be convened in 2024 with up to A\$20 000 funding from the General Science Capacity Fund to support experts to travel to the meeting
- (iii) that a harmonisation workshop for spatial management in Area 48 funded by the Antarctic and Southern Ocean Coalition (ASOC) and the Association of Responsible Krill harvesting companies (ARK) be held back to back with the Working Groups on Statistics, Assessments and Modelling (WF-SAM) and on Ecosystem Monitoring and Management (WG-EMM)
- (iv) that SCAF look into options to ensure appropriate replenishment of the GSCF in the future.

50. SCAF noted that Secretariat support for these workshops was not currently included in the General Fund travel budget and made an additional provision of A\$40 000 in the draft budget for 2024 to cover Secretariat travel costs.

51. The Chair of the Standing Committee on Implementation and Compliance (SCIC) reported that the CDS Fund Panel had approved all expenditures proposed for the CDS Fund in CCAMLR-42/14.

52. SCAF noted and agreed to these expenditures.

53. SCAF recommended the Draft 2024 Budget as revised be approved by the Commission (Appendix I).

Forecast budget for 2025

54. SCAF noted the forecast budget for 2025 (Appendix I). The 2025 budget is indicative only.

55. Recalling its discussions on sustainable financing (paragraphs 34 to 47), SCAF noted that the 2025 forecast contains an indicative additional income of A\$350 000 which would be required to achieve a balanced budget.

Administrative issues

56. Australia introduced CCAMLR-42/24 Rev. 1 which contains a draft Code of Conduct for CCAMLR events held within Australia.
57. SCAF praised the work done intersessionally by the e-group to develop the Code of Conduct and expressed its strong support for the need for a Code of Conduct.
58. SCAF expressed support to extend the Code of Conduct's scope to cover all CCAMLR events, including those held internationally.
59. Australia subsequently introduced CCAMLR-42/24 Rev. 2 which contains a draft Code of Conduct for CCAMLR events held within Australia and overseas and includes some minor revisions to processes for reporting violations.
60. SCAF accepted the changes to the Code of Conduct (CCAMLR-42/24 Rev. 2) and recommended its adoption by the Commission, noting that the Code has a five-year review period.
61. The Secretariat introduced CCAMLR-42/06 (2nd Performance Review).
62. SCAF noted the report and thanked the Secretariat for progress made in the projects detailed within the report.
63. The CCAMLR Data and Information Systems Manager introduced CCAMLR-42/BG/07 (Data Systems) and CCAMLR-42/BG/11 (Website Update).
64. One Member asked if the scope of the website update included the provision to make the website content accessible to visually impaired users. The Secretariat indicated that this could be considered as the project progresses and the user interface is modernised further.
65. SCAF noted these reports and thanked the Secretariat for progress made towards these multiannual improvement projects.

Other business

66. The Chair informed SCAF that she would not be seeking re-election, noting that it had been a pleasure to be acting and serving Chair of SCAF.
67. No nominations were received for Chair or Vice-Chair at this time.
68. SCAF thanked Ms Langerock for her excellent chairing and guidance of its work over the last four years, both in-person and virtually.

Report adoption

69. SCAF adopted its report.

Close of the meeting

70. The Chair closed the meeting.

2023 Budget, Draft Budget for 2024 and Forecast Budget for 2025

(Australian dollars)

General Fund

	2023	2024	2025	Notes
	Revised budget	Draft budget	Forecast budget	
General Fund				
Income				
Core Members' Contribution	4 131 156	4 368 968	4 547 323	See Appendix II.
Additional income			350 000	Additional income required to generate a balanced budget.
Interest	203 157	243 788	189 613	Investment interest rates are assumed to rise in 2024 before declining in 2025.
Staff Assessment Levy (SAL)	774 769	792 821	768 924	The SAL represents income deducted from staff salaries in respect of tax.
Sales (Tagging)	60 000	63 300	65 832	Tagging equipment costs are passed on to the fishing companies in the form of cost-recovery.
Miscellaneous income – Fishery Notifications	636 350	681 179*	718 648	Assumes that the refunds of notification fees arising from Commission decisions that fishing in some areas shall not proceed remains the same in 2023, 2024 and 2025.
Miscellaneous income – Rent Contributions	476 582	502 794	522 905	Contributions from the Australian and Tasmanian governments are matched against the rent expenditure and are budgeted to increase at CPI.
Miscellaneous income – Grants	45 000	200 000	200 000	Final payment from the current EU grant (Ref. 101092707) plus proposed new EU grant.
Miscellaneous income – Other	104 522	108 703	111 964	Income from hiring out Secretariat meeting facilities, mostly transferred to the Asset Replacement Fund.
Fund Transfers	- 80 000	- 85 000	- 90 000	Transfers to the Asset Replacement Fund.
Total income	6 351 535	6 876 552	7 385 209	
Expenditure				
Salaries	3 913 265	4 576 887	5 107 232	Staffing as per the Strategic Plan 2023-2026. Expenditure covers salaries, overtime particularly during the annual meetings and payments to the Staff Termination Fund.
Equipment	462 027	500 508	515 523	Includes minor capital items, annual software and hardware purchases/leases, maintenance and development of the electronic document management system, web site and data management systems.

	2023	2024	2025	Notes
	Revised budget	Draft budget	Forecast budget	
Depreciation	160 000	155 000	151 750	Equipment purchased over A\$1 000 is depreciated over its estimated useful life.
General Fund (continued)				
Insurance and Maintenance	181 098	188 342	193 992	Insurance and building service costs (rates etc) continue to increase strongly.
Training	10 000	15 400	15 862	Training remains an important priority for the Secretariat and is delivered efficiently to save costs.
Meeting Facilities	840 936	606 663	624 863	Covers CCAMLR meetings hosted at Headquarters.
Travel	100 000	190 000	154 500	Travel to support CCAMLR working groups, other meetings and international representation.
Printing	10 686	10 686	10 686	
Communications	19 434	20 503	21 323	
Sundry (incl. audit)	152 803	158 915	163 682	Audit and recruitment costs have increased.
Rent/cost of goods (tagging)	536 582	566 094	588 737	Contributions from the Australian and Tasmanian governments, and income from sales of goods, are matched against the rent and COGS expenditure.
Total expenditure	6 386 830	6 988 996	7 548 150	
Transfer to GCBF				Transfers to the GCBF are not anticipated.
Transfer to GSCF				Transfers to the GSCF are not anticipated.
Transfer to WCF	157 356	0	0	Transfers ensure that the WCF remains at a balance equivalent to 3 months' budgeted expenditure.
Surplus/–Deficit	122 061	- 112 444	- 162 941	Assumes 'additional income' in 2025. Without additional income deficit is -A\$512 941 and closing balance is A\$190 559
General Fund balance at 01 January	693 883	815 944	703 500	
General Fund balance at 31 December	815 944	703 500	540 559	As agreed in the Strategic Plan 2019–2022, the General Fund balance should be maintained at approximately A\$500 000.

Notes: * Notifications in 2024 for fishing in the 2024/25 fishing season: the non-krill fishery notification fee will be A\$9 829 and the krill fee will be A\$9 338.

Equity Funds

	2023	2024	2025	Notes
	Revised Budget	Budget	Forecast	
Equity Funds				
Working Capital Fund				
Income	- 157 356	0	0	Transfer from the General Fund.
Expenditure				
Balance at 31 December	1 350 000	1 350 000	1 350 000	The WCF is now frozen for four years at the A\$1 350 000 balance agreed by SCAF.
Asset Replacement Fund				
Income	80 000	85 000	90 000	Income from hiring Secretariat meeting facilities is paid into this reserve.
Expenditure	- 83 611	- 85 000	- 90 000	Transfers to the Staff Replacement Fund.
Balance at 31 December	200 000	200 000	200 000	
Staff Replacement Fund				
Income	83 611	85 000	90 000	From Asset Replacement Fund.
Expenditure	- 85 000	- 23 000	- 134 776	Costs of relocation and home leave for internationally recruited staff.
Balance at 31 December	147 812	209 812	165 036	
Korea Contribution Fund				
Income				
Expenditure	- 39 950			Final expenditure from the fund towards database development.
Balance at 31 December				
China Contribution Fund				
Income				
Expenditure	- 60 000	- 60 000	- 60 000	Expenditure on two internships per year.
Balance at 31 December	163 224	103 224	43 224	This Fund covers travel to facilitate the engagement of Members and the Secretariat in training opportunities.

Special Funds

	2023	2024	2025	Notes
	Revised Budget	Budget	Forecast	
Special Funds				
General Capacity Building Fund				
Income	22 175	4 653	2 608	Voluntary contribution from Belgium.
Expenditure	- 70 000	- 65 203	- 23 093	The GCBF supported 7 travel applications (A\$40 000) and will pay the final A\$30 000 of the Uruguay Grant in 2023.
Balance at 31 December	192 513	131 963	111 478	
CDS fund				
Income	34 023	34 032	28 626	
Expenditure	- 187 000	- 50 000	- 50 000	Expenditure as approved by SCIC.
Balance at 31 December	1 287 926	1 271 958	1 250 584	
Compliance and Enforcement (USA special fund)				
Income				
Expenditure	- 33 425			Expenditure on approved activities which could not be undertaken in 2022.
Balance at 31 December	Nil			This fund will be closed at the end of 2023.
Enforcement Trust Fund				
Income				
Expenditure	- 15 475			Expenditure on approved activities which could not be undertaken in 2022.
Balance at 31 December	Nil			This fund will be closed at the end of 2023.
General Science Capacity Fund				
Income	104 249	6 941	3 753	Voluntary contribution from the USA.
Expenditure	- 254 029	- 125 000	- 120 000	Supported 7 scholarships, 3 conveners and some experts to CCAMLR workshops in 2023. Provision for funding 2 scholarships and 3 conveners per year at the increased rates agreed by the Scientific Committee in 2022 and for experts at the ageing workshop in 2024.
Balance at 31 December	303 329	185 270	69 023	
MPA Fund				
Income	20 504	4 586	4 041	Voluntary contribution from Belgium.
Expenditure				
Balance at 31 December	190 056	194 642	198 683	
CCAMLR Ecosystem Monitoring Program (CEMP) Fund				
Income	12 519	11 170	8 708	
Expenditure	- 120 000	- 50 000	- 44 511	Expenditure on approved CEMP projects.
Balance at 31 December	422 716	383 886	348 083	

Members' Contributions 2023, 2024, 2025**General Fund Contributions – Payable by 31 May**

Member	Contributions 2023	Balance Outstanding (19 October 2023)	Draft Contributions 2024	Forecast Contributions 2025
Argentina	142 167	139 600	149 986	155 986
Australia	161 192		169 531	175 021
Belgium	142 167		149 986	155 986
Brazil	142 167	139 600	149 986	155 986
Chile	154 181	151 614	163 657	169 117
China	179 676		190 953	200 353
Ecuador	142 167	142 167	149 986	155 986
European Union	142 167		149 986	155 986
France	175 440		184 597	191 708
Germany	142 167		149 986	155 986
India	142 167		149 986	155 986
Italy	142 167		149 986	155 986
Japan	143 363		150 987	157 151
Republic of Korea	169 262		180 061	186 778
Namibia	142 167		149 986	155 986
Netherlands	142 167	139 600	149 986	155 986
New Zealand	147 163		155 548	160 716
Norway	268 853		290 104	310 562
Poland	142 167		149 986	155 986
Russia	144 327	141 760	151 432	157 067
South Africa	144 161	141 594	151 875	157 499
Spain	144 183		152 227	158 518
Sweden	142 167		149 986	155 986
Ukraine	155 314	152 747	165 562	170 121
UK	151 883		160 865	167 849
USA	142 167		149 986	155 986
Member	Contributions 2023	Balance Outstanding (19 October 2023)	Draft Contributions 2024	Forecast Contributions 2025
Uruguay	143 987		151 750	157 051
	4 131 156	1 148 682	4 368 968	4 547 323