

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

This is a preliminary version as adopted by SCIC
on Friday, 28 October 2022¹

¹ Preliminary in this case means that further proofreading and verification is still to be done by the Secretariat.

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**Report of the Meeting of the Standing Committee
on Implementation and Compliance (SCIC)
(Hobart, Australia, 24 to 28 October 2022)**

Opening of the meeting

1. The Meeting of the Standing Committee on Implementation and Compliance (SCIC) was held in Hobart, Australia, from 24 to 28 October 2022.
2. The Chair of SCIC, Ms M. Engelke-Ros (United States of America (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. 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

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

Review of compliance and implementation-related measures and systems

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

CDS Fund Review Proposal

5. SCIC considered the proposal from the Secretariat for expenditure from the Catch Documentation Scheme for *Dissostichus* spp. (CDS) Fund (CCAMLR-41/20) for the purpose of continued upgrades to the electronic web-based CDS (e-CDS). SCIC noted the summary of expenditure from the CDS Fund in 2021 which facilitated upgrades to the e-CDS and the implementation of five online e-CDS training workshops. SCIC noted the request from the Secretariat for A\$165 000 from the CDS Fund for the completion of e-CDS upgrades as detailed in CCAMLR-41/20, Annex 4.
6. SCIC noted the pragmatic approach undertaken by the Secretariat in providing a detailed project development proposal to support improvements to the e-CDS, and further endorsed the requests by many Members to align the work with the CDS in-person workshop now scheduled for 2023 (SCIC-2021, paragraph 19), in addition to other relevant capacity building opportunities (both virtual and in-person).
7. Noting the requirement of Conservation Measure (CM) 10-05, Annex 10-05/B, for the designation of six Members to serve on a Review Panel to review the CDS Fund expenditure proposal, SCIC convened the CDS Fund Review Panel comprised of representatives from Australia, France, Republic of Korea (Korea), New Zealand, United Kingdom (UK) and the USA.

8. The CDS Fund Review Panel thanked the Secretariat for the detailed proposal, noting that the continued upgrade to the e-CDS included the provision of a dedicated training section, the automated generation of reports and statistics, and the ability to use the e-CDS on multiple device types, among multiple other items. The CDS Fund Review Panel endorsed the proposal by the Secretariat and recommended the Commission approve the expenditure of A\$165 000 from the CDS Fund.

9. SCIC thanked the CDS Fund Review Panel for its work and endorsed the expenditure proposal.

Implementation of the CDS

10. SCIC noted the report on the implementation of the CDS in 2021/22 (CCAMLR-41/22) and noted that the CDS was implemented by 16 Member States, 3 Acceding States, and 1 non-Contracting Party (NCP) cooperating with CCAMLR by participating in the CDS.

11. SCIC noted that no Specially Validated *Dissostichus* Catch Documents (SVDCDs) had been issued in 2021 and that no reports had been received by the Secretariat from Contracting Parties in respect of CM 10-05, Annex 10-05/C, paragraph C11.

12. As per CM 10-05, Annex 10-05/C, paragraph C9, SCIC considered the current cooperating status granted to Mexico and Singapore. SCIC noted the Secretariat's efforts to communicate with Mexico, which was granted limited access to the CDS in 2021 (COMM CIRC 21/24), but has not since accessed the e-CDS. No response to the Secretariat's correspondence has been received. SCIC encouraged Members to reach out to Mexico via appropriate diplomatic channels to assist the Secretariat in facilitating Mexico's implementation of CM 10-05.

13. SCIC noted that through the CCAMLR Compliance Evaluation Procedure (CCEP), 21 issues of non-compliance were identified with Singapore's implementation of CM 10-05, paragraph 6. SCIC considered Singapore's explanatory note in response to the identified issues (CCAMLR-41/BG/37), noting Singapore reinforced its commitment to complying with all conservation measures and relevant responsibilities within CCAMLR, and reassured SCIC of the multiple measures already taken to ensure continual cooperation with CCAMLR.

14. SCIC thanked Singapore for its efforts to support the implementation of the NCP Engagement Strategy (in particular, regarding the CDS) and recommended Singapore maintain its status as a cooperating NCP with ongoing limited access to the e-CDS.

15. SCIC supported the Secretariat's recommendation to replace the requirements of a fax number with an e-mail address in CM 10-05, Annex 10-05/A.

16. SCIC considered the reconciliation of CDS, and fine-scale catch and effort data (C2) for 2003–2021 (CCAMLR-41/BG/12), noting that the discrepancy identified in the reconciliation between CDS and C2 data for the majority of reconciliations at a season level was less than 1%.

17. SCIC supported the Secretariat's recommendation to work bilaterally in the intersessional period with those Members where reconciliations between CDS and C2 data were greater than the accepted threshold of 10% and 200 kg.

18. SCIC considered CCAMLR-41/BG/13 Rev. 1, which reported on the analysis of the United Nations Comtrade (UN COMTRADE) database to assess its utility in providing an accurate overview of the global trade of toothfish (*Dissostichus* spp.) products. The report identified a significant difference in trade volumes reported between the CDS and UN COMTRADE for both imported and exported toothfish products and noted the need for further analysis. SCIC noted the concerns expressed within the paper pertaining to the accuracy of UN COMTRADE data in recording global trade of *Dissostichus* spp. and concluded that the CDS is a more reliable source for reporting trade volume.

Vessel inspection

19. SCIC reviewed the implementation of CM 10-03 and the System of Inspection (SoI) in 2021/22 in CCAMLR-41/21 which noted that 105 port inspections and 14 at-sea inspections were undertaken.

20. SCIC noted that nine port inspection reports during this period were reported to be undertaken remotely without a physical inspection of the vessel. While mindful of the constraints that the COVID-19 pandemic put upon Contracting Parties, SCIC confirmed that port inspections conducted remotely do not meet the requirements of CM 10-03.

21. SCIC noted the recommendation for the review of the CCAMLR port inspection forms and development of a CCAMLR inspection reporting form that could be utilised alongside the Port State Measures Agreement (PSMA) form to reduce duplication of reporting. SCIC requested the Secretariat undertake a review of the forms in the intersessional period, develop a proposal and identify any necessary revisions to CM 10-03 for consideration at SCIC-2023.

22. SCIC endorsed the recommendation for the Secretariat to investigate other electronic means of submitting port and at-sea inspection reports, including options for completion and submission of forms in an electronic application or directly through the website and requested that the Secretariat report its findings at SCIC-2023.

23. SCIC welcomed Chile's submission (CCAMLR-41/BG/16) on inspections undertaken by Chile's vessel OPV-83 *Marinero Fuentealba* in Subarea 48.1 during the 2020/21 and 2021/22 seasons, where eight vessels in total were inspected with all vessels demonstrating compliance with all CCAMLR conservation measures.

24. SCIC expressed its appreciation to Chile for its efforts in undertaking inspection activities on behalf of all Members, noting the challenges faced in doing so in very difficult sea conditions.

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

25. SCIC considered the implementation of the vessel monitoring system (VMS) (CCAMLR-41/19), and the VMS unit details survey results (CCAMLR-41/BG/05) and noted the recommendations to improve the VMS and vessel movement activity management.

26. SCIC endorsed the recommendation for the Secretariat to further investigate the requirements and estimated costs of implementing an automated VMS movement notification system with a review of what changes to CM 10-04 would be necessary, noting that this would be presented in 2023 or 2024.

27. SCIC supported revisions to CM 10-04 to include improvements to the pro forma for VMS data requests. SCIC requested that the Secretariat provide a summary report of all requests made under CM 10-04, paragraphs 17 and 20, as part of the annual report on the implementation of the VMS. Further to this, SCIC noted that it will review expanded distribution of summary data concerning these VMS requests in 2023.

Promotion of Compliance in CCAMLR

28. SCIC considered the Russian Federation's (Russia) comments on management procedures for toothfish fisheries in Subareas 88.1 and 88.2 (CCAMLR-41/39). Russia noted in recent years the same vessels had repeatedly failed to remove all their fishing gear from the water by the notified closure date and time, and that these late retrievals have not been considered in the CCEP and could also have implications to fish stock assessments.

29. New Zealand noted that all late gear retrievals were undertaken in compliance with necessary requirements and CCAMLR's fish stock models were robust in nature in that they can accommodate for late gear retrievals.

30. SCIC thanked New Zealand for the aerial surveillance patrols as reported in CCAMLR-41/BG/02.

Transshipment

31. SCIC considered the implementation of CM 10-09 (CCAMLR-41/18) noting that 288 transshipments occurred during the 2020/21 season. SCIC further noted that the number of issues concerning CM 10-09 identified for consideration in the Draft Compliance Report for SCIC-2022 has demonstrated improved compliance since SCIC-2021. Additionally, SCIC noted that the transshipment activities were notifying for periods greater than seven days, and that this practice did not accurately depict transshipment activities occurring within the Convention Area, nor assist with the implementation of relevant monitoring control and surveillance (MCS) measures.

32. SCIC noted that there may be some confusion regarding the completion of the 'Template for transshipment notifications' (CM 10-09, Annex 10-09/A) and endorsed the recommendation to modify the template to accurately specify the requirement for notification of the intended transshipment activity. Additionally, SCIC agreed to the recommendation to standardise time zone reporting to utilise UTC consistently throughout the template (CM 10-09, paragraph 4 and Annex 10-09/A).

33. SCIC did not agree on the designation of a ‘Transshipment Contact Officer’, noting that the designation of additional contact points in CCAMLR may increase the administrative burden upon Members. Additionally, SCIC considered the application of SoI to transshipment vessels, however, was unable to provide specific advice on the matter.

Implementation of the Scheme of International Scientific Observation (SISO)

34. SCIC considered the implementation of the Scheme of International Scientific Observation (SISO) (WG-FSA-2022/52), which provided a summary of deployment information for SISO observers on board vessels in the Convention Area during the 2021/22 fishing season, and an update on the development and implementation of commercial data forms and manuals.

NCP Engagement Strategy

35. SCIC considered the proposed NCP Engagement Strategy action plan for 2023–2024 (CCAMLR-41/17). SCIC noted the expansion of the strategy to include parties involved in the harvest of any Antarctic marine living resources within the Convention Area, and *Dissostichus* spp. globally.

36. SCIC thanked the Secretariat for its work and support and expressed particular interest in the expansion of the strategy to all fisheries, including krill. SCIC endorsed the proposed NCP Engagement Strategy (CCAMLR-41/17, Annex 1) and action plan for 2023–2024 (CCAMLR-41/17, Annex 2).

Proposals for new and revised compliance-related conservation measures

Conservation Measure 10-02

37. SCIC considered the proposal by Korea to amend CM 10-02 (CCAMLR-41/23 Rev. 1) to make it mandatory for vessels operating in the Convention Area to keep Automatic Identification Systems (AIS) switched on at all times to help prevent collisions, thereby improving safety. The proposal noted that there is authorisation to switch off AIS under extraordinary circumstances, further noting that these situations are subject to certain reporting conditions. The Coalition of Legal Toothfish Operators (COLTO) noted that having AIS on at all times would allow illegal, unreported and unregulated (IUU) operators to track the presence of legal operators in the Convention Area.

38. SCIC considered a proposal from the UK to amend CM 10-02 to clarify the incidents that are to be reported to the International Maritime Organization (IMO) and to add a new paragraph specifying how loss of life incidents that do not need to be reported to the IMO should nevertheless be reported to CCAMLR.

39. The revisions to CM 10-02 were endorsed by SCIC to be considered by the Commission.

Conservation Measure 10-03

40. SCIC considered the proposal by New Zealand to amend CM 10-03 (CCAMLR-41/33) to include an additional paragraph confirming the obligation of Flag States to ensure that vessels entering another Contracting Party's port meet the requirements to provide at least 48-hour advance notice of arrival as required by CM 10-03, paragraph 4.

Conservation Measure 10-04

41. SCIC considered the proposal by the Secretariat to amend CM 10-04 (CCAMLR-41/19) regarding the inclusion of the pro forma for VMS data requests in CM 10-04, paragraphs 16 and 25, and the revision of CM 10-04, paragraph 2, to remove an outdated reference to delayed implementation of an hourly VMS polling rate for all fisheries.

42. SCIC endorsed the inclusion of the pro forma and the deletion of outdated implementation references in CM 10-04 for consideration by the Commission.

Conservation Measure 10-05

43. SCIC considered the proposal by the Secretariat to amend CM 10-05 (CCAMLR-41/22) to replace the requirements of a fax number with an e-mail address, which was endorsed by SCIC to be considered by the Commission.

44. SCIC also considered the European Union (EU) proposal to change the definitions of export and re-export in CM 10-05 to address the compliance issues with CM 10-05, paragraph 6, that had been considered in the CCEP, notably as regards movement of toothfish within the EU Customs Union. Some members raised concerns regarding the changes and stated that more discussion is required regarding the matter. SCIC agreed to refer the proposal to the Commission for further discussion.

Conservation Measure 10-09

45. SCIC considered the proposal by the Secretariat to amend CM 10-09 (CCAMLR-41/18) to introduce a new transshipment notice pro forma, address confusion in the reference to time zone and require designation of transshipment contacts. The new pro forma and revised requirement to report time received support from Members and were endorsed by SCIC to be considered by the Commission.

46. SCIC also considered a proposal from the UK to clarify and harmonise the requirements relating to the timing of advance notification of transshipment of items other than harvested marine living resources, bait and fuel. These revisions were endorsed by SCIC to be considered by the Commission.

47. SCIC considered proposals to amend CM 10-09 from Korea (CCAMLR-41/24 Rev. 1) to encourage Contracting Parties, as well as non-Contracting Parties, to provide information

outlined in CM 10-02, paragraph 3, for carrier vessels under their flag that engage in transshipment activities in the Convention Area. While the proposed text to the preamble was endorsed by SCIC, no consensus was reached on the remaining parts of the proposal and it was referred to the Commission.

Conservation Measure 10-10

48. SCIC considered the proposal by the EU, Korea, and the USA to amend CM 10-10 (CCAMLR-41/35) to focus the CCEP on Contracting Parties' responses to compliance issues identified in the annual Draft CCAMLR Compliance Report prepared by the Secretariat, rather than the gravity of the underlying infraction, including by adding new compliance categories. Consensus could not be reached on the proposals. SCIC referred the proposal to the Commission for further discussion.

Conservation Measures 21-01, 21-02 and 23-05

49. SCIC considered the proposal by the EU to amend CMs 21-01, 21-02 and 23-05 (CCAMLR-41/25 Rev. 1). 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. The changes to CM 23-05 were to clarify that its data collection requirements apply only to activities of vessels that do not have on board a scientific observer appointed in accordance with SISO.

50. With respect to the proposed changes to CM 21-02, China highlighted that it could join a consensus on the understanding and the condition that observers referred to in the proposed change include national observers. Without prejudice to this question, SCIC endorsed the proposed changes to CM 21-02 for consideration of the Commission.

51. Regarding CM 21-01, some Members expressed their views that it should be possible for national scientific observers to cover the observation of new fisheries. SCIC did not reach consensus and referred the proposal to the Commission for further discussion.

52. Concerning CM 23-05, following explanations from the Secretariat that in practice some provisions have become obsolete, the EU proposed that there would be benefit in the Secretariat preparing a review of this conservation measure for consideration at the next annual meeting.

Conservation Measure 26-01

53. SCIC considered the proposal by the EU to amend CM 26-01 (CCAMLR-41/26 Rev. 1) to enhance provisions relating to environmental protection. The proposal extends the prohibition of discharging garbage (under specific conditions), poultry, sewage and offal and discards (under specific conditions) to the whole Convention Area, replaces reference to 'vessels fishing' with 'fishing vessels' as defined in CM 10-03, and aligns the operational requirements with MARPOL

54. SCIC endorsed the changes for the approval of the Commission.

Conservation Measure 31-02

55. SCIC considered the proposal by Russia to amend CM 31-02 (CCAMLR-41/39) to expand the reporting of data associated with delayed retrieval of fishing gear at the time of fishery closures.

56. Russia noted that the reporting of this data will allow SCIC to better understand what the contributing factors were for the delayed retrieval and if they could be prevented in the future. No consensus was reached on the proposal and it was referred to the Commission.

Proposal for improved management of CCAMLR krill fisheries

57. SCIC considered a proposal by the USA and Australia (CCAMLR-41/36 Rev. 1) to improve the management of Antarctic krill (*Euphausia superba*) fisheries in CCAMLR. The proposal recommends revising several conservation measures (CMs 10-03, 10-04, 10-09, 23-06, 51-01, 51-02, 51-03, 51-06 and 51-07) to improve monitoring of krill stocks, related and dependent species, vessels participating in the krill fisheries, and trade of krill and krill products. Consensus could not be reached on the proposed amendments to CMs 10-03, 10-04, 10-09, 51-01, 51-02, 51-03, 51-06 and 51-07 and SCIC referred the proposal to the Commission for further discussion.

58. The proposed revisions to CM 10-03 would have amended paragraph 2 to require inspection of all vessels carrying Antarctic marine living resources, including krill or krill products. The proposed revisions also included amendments to Annex 10-03/B, Table B, to include references to CM 25-03 (the presence of net monitoring cables), and CMs 51-01, 51-02 and 51-03 (the presence of marine mammal exclusion devices). The proposed revisions also would have added product codes to Table C associated with krill, including boiled krill, peeled krill, and krill oil.

59. China expressed its view that the elements contained in Table B are more suitable for at-sea inspections as opposed to port inspections but did support the inclusion of the additional krill product codes to Table C. China expressed its views that different categories of fisheries should be treated differently in respect to port inspections. China did not support the proposal that all krill fishing vessels should be subject to port inspections 100%.

60. The proposed revisions to CM 10-04 would have amended paragraph 11 to require all Contracting Parties to forward VMS reports and message all fishing vessels operating in the Convention Area not later than one hour after receipt.

61. The proposal received support of some Members, however, China raised concerns regarding the need for such revisions since IUU fishing is not an issue in krill fisheries and noted that the current conservation measures are well implemented. Russia supported the comments from China but indicated that it was open to discussing improvements to the VMS in the future.

62. Some Members noted the value of using the full capabilities of VMS for monitoring vessels.

63. The proposed revisions to CM 10-09 would prohibit the transshipment of Contracting Party vessels with vessels flagged to an NCP. While some Members were not supportive of these proposed changes, other Members were supportive of improving transshipment monitoring and control in CCAMLR, in line with the FAO Voluntary Guidelines for Transshipment adopted recently in Rome.

64. SCIC noted that the reporting of by-catch at the lowest taxonomic level in krill fisheries was important and agreed to revise CM 23-06 to harmonise by-catch reporting in krill fisheries with the requirements for all other fisheries as set out in CM 23-04. SCIC endorsed the proposal to amend CM 23-06 and referred it to the Commission.

65. The proposed revisions to CMs 51-01, 51-02 and 51-03 would record access to krill fisheries as authorised under the approved fishery notifications, similar to the CM 41 series for toothfish. Some Members expressed concern with needing to update these measures on an annual basis to record the fishery access. Some Members suggested this concept may be better addressed in a different or new conservation measure.

66. The proposed revisions to CM 51-06 would require at least one observer appointed under SISO. No consensus was reached on this proposal.

CCAMLR Compliance Evaluation Procedure (CCEP)

67. SCIC noted the Secretariat's report and analysis on the CCEP (CCAMLR-41/15) for the consideration of SCIC-2022, highlighting the high compliance reported across the majority of compliance measures. Furthermore, it was also noted that CMs 10-05 and 10-09 were identified as having the highest number of compliance issues, however, both conservation measures had seen significant improvement in compliance rates since SCIC-2021.

68. SCIC noted that the Secretariat sought clarification on the implementation of the tagging protocol document and agreed to the recommendation for the Secretariat to develop a practitioner document to accompany the tagging protocol which would allow for clarity in understanding the obligations in implementing the tagging methods.

69. SCIC noted that one vessel continued fishing activities during a trip in the 2021/22 season after it had broken its scales and reported all remaining catches by estimation of its most-experienced crew member. SCIC expressed its concern that the vessel continued to fish and report catch data in this manner and recommended the issue be considered by the Scientific Committee to better understand the implications it may have on the data.

70. SCIC noted that the Secretariat was notified of three incidents during the 2021/22 season where a loss of life was reported and the Secretariat sought clarification if these met the requirements for an investigation to occur as required by CM 10-02, paragraph 9.

71. SCIC expressed its sincere condolences to the families of those involved and further noted both the remote and often perilous conditions that characterise the Southern Ocean. SCIC

agreed to review CM 10-02, paragraph 9, to clarify that all deaths at sea shall be reported to SCIC and to clarify the incident which would need to be reported to the IMO.

72. SCIC noted the Secretariat's overview of the 10-year history of the CCEP (CCAMLR-41/BG/11).

Provisional Compliance Report

73. In accordance with CM 10-10, paragraph 3(i), SCIC considered the 68 potential compliance incidents in the CCEP Summary Report (CCAMLR-41/15). Following consultation of Members, SCIC adopted, for further consideration by the Commission, its annual Provisional Compliance Report (Appendix I) in accordance with CM 10-10. In doing so, it noted that it did not reach consensus regarding the compliance status in six cases and, consequently, did not record a compliance status in the respective sections of the Provisional Compliance Report. SCIC agreed that this process should not set a precedent and that SCIC should avoid a repeat of this outcome in the future.

Conservation Measure 10-01

74. SCIC considered the implementation of CM 10-01 by Ukraine regarding the marking of fishing vessels and gear. SCIC agreed to the compliance status of minor non-compliant (Level 1).

Conservation Measure 10-02

75. SCIC considered the implementation of CM 10-02 by Australia regarding the late transmission of the fishing licence for one of its vessels. SCIC noted that the oversight was identified upon the submission of a 10-day CE report to the Secretariat.

Conservation Measure 10-03

76. SCIC considered the implementation of CM 10-03, paragraph 4, by Uruguay regarding the requirement for vessels to provide the information in CM 10-03, Annex 10-03/A, at least 48 hours in advance of port entry. Uruguay noted the vessel communicated the information to the fisheries authority, and that the vessel was no longer flagged to Uruguay and has engaged with the vessel owners to ensure this does not occur again.

77. SCIC considered the implementation of CM 10-03, paragraph 5, by South Africa and the UK regarding the requirement for a port inspection to be conducted within 48 hours of port entry. Furthermore, South Africa recalled that training from the Secretariat planned for 2020 was delayed and expressed its desire for this to occur in 2023.

78. The USA recalled with concern that the issue of late port inspections by South Africa was discussed at SCIC-2021 (SCIC-2021, paragraph 50) and noted that the delay of port

inspections is a serious matter. South Africa noted the concerns of the USA and recalled that a planned training event supported by the Secretariat in 2020 was postponed due to COVID-19, and that South Africa had undertaken to improve its IT infrastructure and recruit additional inspectors. SCIC encouraged the workshop to be conducted by the Secretariat and agreed to the self-assigned statuses for all three issues.

79. SCIC considered the implementation of CM 10-03, paragraph 8, by four Members regarding 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).

80. The UK noted that the delay in providing the port inspection report was due to clarifications on the content being requested from the port inspection official, however, the officer had limited communication due to being at sea. SCIC recognised the need to interpret the application of CM 10-03. SCIC considered a proposal from the UK to revise CM 10-03, but no consensus was reached to adopt those proposed revisions.

Conservation Measure 10-04

81. SCIC considered the implementation of CM 10-04, paragraph 2, by Norway regarding the requirement that all fishing vessels operating within finfish fisheries in the Convention Area to transmit VMS data hourly.

82. SCIC considered the implementation of CM 10-04, paragraph 6, by France regarding the requirement that fishing vessel masters, owners or their authorised representations ensure that the automatic location communicator (ALC) is not tampered with. France noted that the VMS unit could be opened without having to break the tamper proof seal, however, the investigation found no fraudulent manipulation of data. SCIC noted that there are a number different styles of tamper-proof seals and that CM 10-04 does not have technical specifications on their design and application to prevent tampering.

83. SCIC considered the implementation of CM 10-04, paragraph 13, by Australia and Chile 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 by each of its fishing vessels.

Conservation Measure 10-05

84. SCIC considered the implementation of CM 10-05, paragraph 6, by nine Contracting Parties regarding the prohibition on exporting or re-exporting toothfish without an accompanying *Dissostichus* Export Document (DED) or *Dissostichus* Re-Export Document (DRED).

85. In respect of the implementation of CM 10-05, paragraph 6, by Belgium, France and the Netherlands, the EU clarified that for movements of *Dissostichus* spp. customs checks are carried out and duties paid when goods first enter the EU Customs Union. From then on, they can circulate freely within the EU without the need for any further customs checks or payment of customs duties. The EU noted the situation of Members whose territories form part of a

customs union is meant to be addressed in the definitions of ‘export’ and of ‘re-export’ in paragraphs 1(v) and (ix) of CM 10-05 respectively. SCIC noted that clarity was required in CM 10-05 regarding those definitions and assigned a status of ‘Need of interpretation by SCIC’ with respect to movements of toothfish within the EU Customs Union. The EU noted that the implementation of CM 10-05, paragraph 6, by France and the Netherlands with respect to trade outside the EU involved activities that occurred prior to the amendments to CM 10-05 adopted in 2021 and should therefore be assigned the same compliance status as assigned to similar cases at SCIC-2021, notably ‘Need of interpretation by SCIC’. No consensus was reached on compliance statuses for these issues with respect to France and the Netherlands.

86. In respect of the implementation of CM 10-06, paragraph 6, by Chile, SCIC noted that Chile had instigated manual approval by a fishery control officer to ensure the DED has been issued before the export date for each transfer of *Dissostichus* spp. and associated products. SCIC requested the Secretariat incorporate a system into the e-CDS which alerts e-CDS users when they are validating a DED or DRED after the declared export date.

Conservation Measure 10-09

87. SCIC considered six 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.

88. The USA noted that Russia as a Flag State was responsible for the implementation of the CCAMLR conservation measures, especially CM 10-09, for its flagged vessels even when the operator is of a different nationality. SCIC agreed to assign a minor non-compliant status (Level 1).

89. SCIC considered four Contracting Parties’ implementation of CM 10-09, paragraph 3, which requires each Contracting Party to notify the Secretariat at least two hours in advance of the transshipment if any of its vessels propose to tranship items other than harvested marine living resources, bait or fuel within the Convention Area.

90. The UK clarified for their issue that, although the notification was less than two hours in advance of the intended transshipment, the master had stated in his notification that the timing of the activity was dependent on ice conditions, and the actual transshipment time took place more than two hours after the notification. SCIC agree to assign a status of ‘need of interpretation by SCIC’, and reviewed the wording in CM 10-09, paragraph 3.

91. SCIC considered the implementation of CM 10-09, paragraph 5, by six Contracting Parties requiring that each Contracting Party provide confirmation of transshipment to the Secretariat within three (3) working days of any of its vessels having transhipped within the Convention Area.

92. SCIC considered the implementation of CM 10-09, paragraph 8, by three Contracting Parties which states that no vessel may conduct transshipment within the Convention Area for which prior notification, pursuant to CM 10-09, paragraphs 2, 3 and 4, has not been given.

Conservation Measure 25-02

93. SCIC considered the implementation of CM 25-02, Annex 25-02/A, paragraph 4, by three Members, regarding the streamer length on the bird-scaring line shall be a minimum of 1 metre at the seaward end. Ukraine explained that the company would bring the streamer line into compliance going forward. SCIC agreed to assign a minor non-compliant status (Level 1).

94. SCIC considered the implementation of CM 25-02, Annex 25-02/A, paragraph 4, by Ukraine regarding the requirement of streamers to be comprised of coloured plastic tubing or cord.

Conservation Measure 26-01

95. SCIC considered the implementation of CM 26-01, paragraph 1, by China, regarding the prohibition of discharging plastics into the sea, in accordance with MARPOL Annex V on Regulations from the Prevention of Pollution by Garbage from Ships.

96. SCIC considered the implementation of CM 26-01, paragraph 9, by two Members, regarding the prohibition of dumping or discharging of offal or discards south of 60°S. SCIC noted that a misunderstanding occurred for both France and Uruguay in the completion of the C2 data and noted that in both cases the discharge occurred north of 60°S. SCIC agreed to assign a compliant status for both instances.

Conservation Measure 31-01

97. SCIC considered the implementation of CM 31-01 by the UK, regarding the requirement that for each fishing season the Commission shall establish such limitations or other measures, as necessary, around South Georgia.

98. Argentina made the following statement:

‘The four British-flagged vessels have failed to comply with CM 31-01. Said conservation measure determines that the Commission shall adopt catch limits or other equivalent measures to regulate fishing in Subarea 48.3. Given that CM 41-02 implementing this was not re-adopted in 2021 as recognised by the United Kingdom in its notes there is no logical way to comply with CM 31-01. Argentina considers that these four events of non-compliance related to the four British-flagged vessels that fished in Subarea 48.3 this season should be classified as “seriously non-compliant” (Level 3) in the Provisional CCAMLR Compliance Report adopted by SCIC that shall be submitted for consideration by the Commission.’

99. Some Members expressed the view that it was appropriate that the Secretariat included the *Argos Georgia*, *Argos Helena*, *Nordic Prince* and *Polar Bay* in the Summary Compliance Report because issuance of the fishing licences and subsequent fishing is in contravention with CM 31-01. Certain Members explained that, as stated at CCAMLR-40, when CCAMLR failed to adopt CM 41-02, they did not expect that toothfish fishing would take place in Subarea 48.3 in the 2021/22 fishing season. Some Members also indicated that fishing in the Convention

Area should not take place unless an applicable CCAMLR-agreed measure is in place to authorise the fishery, which would provide the necessary conditions on catch limits, by-catch limits, mitigation measures, data collection and reporting, and other requirements and they were interested with working to find a way forward to resolve this situation.

100. Russia expressed its support for the position stated by Argentina, noting that the regulation of toothfish fishing in Subarea 48.3 is exercised by the Commission. Russia noted that the Commission did not reach consensus on a catch limit for Subarea 48.3 in 2021, and due to this, CM 41-02 was not extended. Russia considered that in accordance with Article IX of the Convention, there was a process for agreeing and applying catch limits to fisheries and drew attention to Article XXII regarding Member's activities contrary to the Convention's objectives. Russia noted that as the UK had not objected to the application of CM 31-01, the requirement for the application of a catch limit in Subarea 48.3 was essential for any fishery operations.

101. The UK noted that it had already presented its detailed position with respect to the toothfish fishery in Subarea 48.3. The UK confirmed that it had heard the views articulated by some Members, but noted the connection of the issue to Article IV of the Convention and that it was clearly highly sensitive. It would therefore not be possible to reach consensus on this matter.

102. SCIC could not reach consensus on an assigned compliance status for these four issues and agreed that no status assigned would be reflected against items listed under CM 31-01 in the CCEP report.

Conservation Measure 41-01

103. SCIC considered the implementation of CM 41-01, Annex 41-01/C, paragraph 2(i), by France regarding the tag and release of toothfish according to the CCAMLR Tagging Protocol. SCIC sought further advice from the Chair of the Scientific Committee, as referred to under Agenda Item 7. Following this advice, France confirmed that in accordance with the Tagging Protocol, toothfish was not gaffed. France further referred to the reports of the onboard SISO observers for previous seasons which state that the pole was resting on the bony operculum covering the gill, to stabilise and relieve the fish without injuring them. The fish were then hauled aboard the vessel, where the scientific observer checked the suitability of the fish for tagging and release. Following the advice and clarifications provided the Chair of the Scientific Committee and France, SCIC assigned a compliance status for this instance. SCIC requested the Scientific Committee consider the use of blunt poles for lifting fish for tagging during next year's CCAMLR tagging workshop. SCIC requested a report on the different tagging methods and the potential effects on toothfish post-release survival.

104. SCIC considered the implementation of CM 41-01, Annex 41-01/C, paragraph 2(iii), by two Members regarding the requirement that each vessel shall achieve a minimum tag-overlap statistic of 60% for each species of *Dissostichus*. SCIC noted Russia's concern that not meeting the tag-overlap statistic may impact stock assessments. Following advice from the Scientific Committee Chair as referred to under agenda item 7, SCIC agreed to assign a status of 'Need of interpretation by SCIC'.

105. SCIC considered the implementation of CM 41-01, Annex 41-01/C, paragraph 4, by Spain regarding the requirement that all tag data shall be reported in the vessel's monthly fine-scale catch and effort data (C2). SCIC noted the explanation of the EU that there was an oversight in providing the tagging information and that the completed C2 had been provided in the meantime.

Conservation Measure 41-09

106. SCIC considered the implementation of CM 41-09, paragraph 6, by the UK, 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 five days.

107. SCIC considered the implementation of CM 41-09, paragraph 13, by three Members, requiring the requirement that toothfish shall be tagged at a rate of at least one fish per tonne green weight caught in each small-scale research unit (SSRU). SCIC noted the explanation from Australia that the vessel utilised a tagging rate calculator which incorrectly calculated the tagging rate at the subarea, rather than at the SSRU, level, and that this issue has been rectified to prevent further instances.

108. SCIC noted that the two New Zealand vessels achieved the tagging rate at a fishery level and that Scientific Committee has been discussing the application of tagging rate at the fishery management level instead of by SSRU.

Conservation Measure 91-05

109. SCIC considered the implementation of CM 91-05, paragraph 24, by two Members, regarding the requirement that Flag States notify the Secretariat prior to entry of their fishing vessels into the Ross Sea region marine protected area (RSRMPA). SCIC noted that a Spanish vessel experienced poor satellite connection below 70°S and further solutions were being investigated.

Review of CM 10-10

110. SCIC considered the report on the approach to evaluate and strengthen regional fisheries management organisation (RFMO) compliance process and performance (CCAMLR-41/BG/18). In presenting its paper Korea noted that, although CCAMLR is not an RFMO, the report provides a suite of recommendations and tools as a means to improve and strengthen compliance processes such as the CCEP (CM 10-10).

111. The Antarctic and Southern Ocean Coalition (ASOC) noted the value of the tools and recommendations provided in the paper and encouraged continual refinement to improve the CCEP through consideration and adoption of the relevant recommendations contained within the report.

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

Current level of IUU fishing

112. SCIC noted CCAMLR-41/BG/19 which presented details of an EU grant of €200 000 to CCAMLR for an 18-month project ‘Support to CCAMLR compliance and governance’, of which €70 000 will be directed at continuing collaborative work with INTERPOL to identify and deter illegal, unreported and unregulated (IUU) fishing activity during 2022–2024. SCIC further noted that the paper presented the final report submitted by INTERPOL in relation to activities related to the initial 2019 grant as well as an overview of anticipated activities under the new EU grant for 2022–2024.

5113. SCIC welcomed INTERPOL’s report and expressed appreciation for its work in coordinating efforts to combat IUU fishing activities worldwide.

114. The Secretariat introduced CCAMLR-41/16 Rev. 2 on IUU fishing activity and trends in 2021/22 and advised that the paper had also been discussed by WG-FSA (WG-FSA-2022, paragraphs 3.7 and 3.8). SCIC noted no vessels included on the non-Contracting Party (NCP)-IUU Vessel List were reported as sighted by Members inside the Convention Area in 2021/22.

115. SCIC further noted that some information has been provided by INTERPOL to CCAMLR regarding the SEAFO IUU listed vessel *Cobija*, suspected of conducting fishing activities targeting toothfish within Divisions 58.4.2 and/or 58.4.3 and remains detained in Yemen. SCIC requested the Secretariat continue engagement with INTERPOL in respect of the *Cobija* and to circulate relevant information as it becomes available.

116. SCIC considered the information on IUU gear provided in CCAMLR-41/16 Rev. 2 and noted the discussion in WG-FSA-2022, paragraph 3.9, regarding methods of marking fishing gear to improve estimates of IUU fishing gear. SCIC further noted that a dedicated e-group (Unidentified fishing gear in the Convention Area) had been established to discuss gear marking and encouraged interested Members to engage in this e-group.

117. SCIC endorsed the proposals by the Secretariat to:

- (i) review CCAMLR’s data holdings to identify organisations, vessel masters and fishing masters which are associated with known IUU vessels and IUU fishing activity
- (ii) develop a plan of action for the enhanced sharing of information and collaboration to combat IUU fishing and related activities to be presented to SCIC-2023 for consideration.

NCP-IUU Vessel List

118. SCIC considered the Provisional NCP-IUU Vessel List as reflected in CCAMLR-41/16 Rev. 2. The Secretariat noted that there had been no additions to the NCP-IUU Vessel List and no change of information for any of the listed vessels. The proposed NCP-IUU Vessel List for 2022/23 is provided in Appendix II for adoption by the Commission.

CP-IUU Vessel List

119. SCIC considered the Provisional CP-IUU Vessel List which included the proposed inclusion of the UK vessels *Argos Georgia*, *Argos Helena*, *Nordic Prince* and *Polar Bay*.

120. South Africa provided an update on the status of the investigation of the vessel *El Shaddai* which is currently on the CP-IUU Vessel List. South Africa reported that there is an ongoing criminal investigation of the vessel's activities and that further information would be provided when available.

121. SCIC noted the presentation of Argentina (CCAMLR-41/BG/36) detailing its rationale that fishing activities for *D. eleginoides* in Subarea 48.3 this season contravenes CM 31-01.

122. Argentina further stated the following:

‘Argentina reiterates the request to include the four British-flagged vessels in the Proposed CP-IUU vessel list as these vessels fished in violation of CCAMLR’s legal framework, thus contributing to diminish the effectiveness of our organisation’s conservation measures. These vessels did not comply with the conservation measures in force, since they contravened CM 31-01 (1986) by fishing for Patagonian toothfish in Subarea 48.3 in 2022 without a conservation measure from the Commission authorising it. Likewise, they fished in a fishery that was closed due to the non-adoption of CM 41-02 in 2021. Specifically, they engaged in prohibited activities according to subsections (iii) and (viii) of paragraph 5 of CM 10-06, as they fished in closed areas and in contravention of CM 31-01.

Argentina highlights that the UK was the only Member that carried out fishing activities in the 2021/22 season in Subarea 48.3, noting that other Members that have historically fished there have not done so in 2022, and that other Members have refused importation of toothfish from this fishery, knowing that those actions were contrary to CCAMLR.

Argentina expresses concern about the UK’s use of the Catch Documentation System for this fishery. It pointed out that in its note of 16 June 2022 (COMM CIRC 22/59), it had requested the Secretariat not to endorse or make available for any commercial operation the catch data collected from those vessels since this constituted IUU fishing. Argentina reported that it had requested the information in this regard through the corresponding channels in order to be able to discuss it in SCIC, but unfortunately the United Kingdom systematically resisted providing such data.

Argentina notes that only one country, United Kingdom, had fished in Subarea 48.3 despite knowing that CM 41-02 had not been re-adopted and that CM 31-01 requires fishing be authorised by a conservation measure. The unilateral measures taken were not authorised by the Chairman’s Statement of 1980 or by international law, given the existence of a sovereignty dispute between Argentina and the United Kingdom over this area. Argentina further considers that this constitutes a serious violation of CCAMLR regulations, and that action should be taken in a firm and clear manner to prevent events like these from happening in the future.

Argentina recalls that all Contracting Parties are required to cooperate in taking appropriate action to deter any activities which are not consistent with the objective of

the Convention. The fact of having commercially exploited a fishery that should have been closed last season due to the absence of a conservation measure regulating it contravened CCAMLR's conservation measures and therefore compromises the fulfillment of CCAMLR's objectives. That is why Argentina considers that the fishing activities carried out by the aforementioned four UK vessels should be considered IUU by SCIC and the Commission.'

123. The UK made the following statement:

'In respect to CCAMLR-40/BG/36, the UK does not agree that fishing for particular species in Subarea 48.3 is permitted only where there has been agreement to a catch limit for that species. Such an interpretation would have the effect of reversing the normal position under the Convention. The Convention sets out no specific limits, prohibitions or conditions on fishing in the Convention Area. Instead, Article IX requires that any such conservation measures are agreed on the basis of best available science.'

Parties to the Convention have not agreed to forego their rights in respect of maritime areas under their sovereignty, or to which they sustained claims, Articles IV(2)(b and c) make clear that "Nothing in this Convention and no acts or activities taking place while the present Convention is in force shall... be interpreted as a renunciation or diminution by any Contracting Party of, or as prejudicing, any right or claim or basis of claim to exercise coastal state jurisdiction under international law within the area to which this Convention applies." The same principle is reflected in the Chairman's Statement.

What is suggested is that CM 31-01 creates a presumption that fishing is prohibited, unless agreement can be reached by consensus – this effectively amounts to a veto that can be exercised by any Member. The UK does not, and has never, accepted this principle in respect of our waters within Subarea 48.3, as we have been stating in this Commission since its inception. Indeed since CM 31-01 was adopted – then known as 7/V – the Commission has established a series of limitations and other measures, exactly as envisaged. Until these limitations were adopted, there was no presumption that fishing was prohibited and there was a toothfish fishery operating in this subarea without an agreed catch limit.

The UK has been clear in its communication with the Commission that it considers this situation to be wholly regrettable, given consensus was blocked by Russia based on an argument that has been repeatedly and comprehensively proven to be baseless by all other Members of the Scientific Committee.'

124. Russia made the following statement:

'The Russian Federation shares Argentina's view in relation of fact contravenes CCAMLR CM 31-01 in the fishery for Patagonian toothfish (*D. eleginoides*) in Subarea 48.3 in current season, as outlined in CCAMLR-41/BG/36.'

The *D. eleginoides* fisheries in Statistical Subarea 48.3 are regulated by the Commission (CM 31-01). Nevertheless, at the 40th meeting of the Commission, the Members, on the basis of the Scientific Committee's recommendations, were unable to reach an agreement on the catch limit of the *D. eleginoides* fisheries in Subarea 48.3 for the

2021/22 season. As a result, CM 41-02 was not extended for the 2021/22 season and the toothfish fishery was closed for 2022 (CCAMLR-40, paragraphs 6.21 and 9.14). In accordance with Article IX of the Convention on the Conservation of Antarctic Marine Living Resources (hereinafter referred to as the Convention), the procedure was established for the entry into force of CCAMLR conservation measures adopted or cancelled by the Commission.

Russia does not have any substantiated information that the UK refused to implement CM 31-01.

In accordance with paragraph 2 of the Convention each Contracting Party shall take appropriate measures within its competence to ensure compliance with the provisions of this Convention and with conservation measures adopted by the Commission to which the Party is bound in accordance with Article IX of this Convention.

Therefore, any toothfish fishery in Subarea 48.3, during the current season by four UK-flagged vessels, must be identified by CCAMLR as IUU fishing in the CCAMLR Area and CCAMLR must also, in accordance with the current CDS (Catch Documentation Scheme), notify the Port States that the catch of *Dissostichus* spp. taken in CCAMLR Subarea 48.3 in 2022 is illegal.

In this regard, Russia recommends to include the four mentioned UK-flagged vessels on the CP-IUU Vessel List and taking in the account information circulated to Members in COMM CIRCs 22/49, 22/106.’

125. Argentina made the following statement:

‘Regarding the arguments used by the United Kingdom in order to justify its illegal actions, we will point out why all of them are inapplicable. These arguments can be found in document CAMLR-41/BG/36 and in the COMM CIRC that we have circulated in due time.

The UK’s argument, expressed in COMM CIRC 22/51, that “there is no conservation measure in force that prohibits the directed fishing of toothfish in 48.3”, ignores the non-re-adoption of CM 41-02 in 2021 and the existence of CM 31-01.

What enables fishing under the Convention is not the absence of a ban, but the existence of a CCAMLR conservation measure that allows it. This was the approach adopted by CCAMLR since the adoption of CM 31-01 in 1986. Therefore, if a conservation measure is not adopted, we cannot infer that fishing is then allowed, since the Commission has not agreed on a catch limit based on the best available science.

Furthermore, Argentina regrets that the United Kingdom distorts the Statement by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources with the evident intention of disguising the illegality of its conduct.

Said Statement applies to the waters surrounding the Kerguelen and Crozet Islands and, by virtue of its paragraph 5, also applies to the waters surrounding the islands within the area to which the Convention applies over which the existence of State sovereignty is recognised by all Contracting Parties.

On the contrary, the Statement is not applicable to the South Georgias Islands and the surrounding waters, included in Subarea 48.3, since they are under a sovereignty dispute between Argentina and the United Kingdom. This dispute has been recognised both by the international community as a whole and by the United Kingdom itself. Therefore, there is no State sovereignty recognised by all the Contracting Parties, as required by paragraph 5 of said Statement. For this reason, the United Kingdom cannot adopt unilateral “national” measures with respect to this disputed territory, to which only the CCAMLR multilateral regime applies. Consequently, the UK cannot fish there either, as there is no conservation measure permitting it.

To conclude, Argentina wishes to recall that the question of the interpretation of the Chairman’s Statement was the subject of discussions at CCAMLR-XV (1996) – paragraphs 13.1 to 13.41 of the Report – and of an intersessional exchange of notes between Argentina and the United Kingdom. At said Meeting, the Commission “expressed the hope that the parties would act in such fashion that cooperation under CCAMLR is not affected and that the goodwill expressed by both parties will continue”. Likewise, several delegations “underlined the importance (...) to refrain from adopting any unilateral measure which may render a solution more difficult to achieve”. From this point of view, it is unfortunate that the UK is now ignoring a long-standing understanding to refrain from taking any action that may make a solution more difficult to achieve. This Member has taken unilateral actions that affect CCAMLR and has brought the issue of the Chairman Statement back to the discussion after 26 years. Argentina urges the United Kingdom to stop the unilateral measures in South Georgias and avoid deepening the differences within the framework of the Commission.

Additionally, the Argentine Republic emphatically rejects the UK claim expressed in its COMM CIRC 22/51, to apply the United Nations Convention on the Law of the Sea (UNCLOS), as an alleged coastal State, to the maritime spaces corresponding to the South Georgias and South Sandwich Islands and other archipelagos that are under the sovereignty dispute between Argentina and the United Kingdom. Said sovereignty dispute has been formally recognised by the two countries and the UN General Assembly, which has adopted numerous resolutions in which the Parties to the dispute are urged to seek a peaceful solution to it and to refrain from adopting decisions that entail unilateral changes in the situation while said territories are subject to the process recommended in Resolutions 2065 (XX) and 3160 (XXVIII). This UK unilateral action is not compatible with neither the letter nor the spirit of said Resolutions.’

126. The UK made the following statement:

‘The UK has no doubt about its sovereignty over the South Georgia and the South Sandwich Islands, and its sovereign rights in the surrounding maritime zones, as is well known to all Members. The UK rejects the interpretation presented by Argentina on the implementation of the Convention and Chairman’s Statement. The UK will continue to implement relevant CCAMLR CMs, adopted in line with the best available science.

The UK notes that it received a data request from Argentina regarding the South Georgia fishery. However, this did not include all of the information required under the Rules for Access and Use of CCAMLR Data, including how the information would be used and how the UK, as the data owner, would be involved.’

127. Chile noted that this was not just a bilateral issue and that, due to the lack of adoption of CM 41-02, it had advised its industry to abstain from fishing in Subarea 48.3 due to concerns about any activities being considered IUU fishing by CCAMLR. Chile further noted that this advice had resulted in considerable domestic economic costs.

128. Uruguay supported the intervention from Chile, noting the historical participation of Uruguay in the Subarea 48.3 fishery and that, due to the lack of adoption of CM 41-02, landing of toothfish from this subarea had been prohibited in 2022 in Uruguayan ports.

129. Norway aligned itself with one of the points made by Chile, noting that this was not a bilateral issue between the UK and Argentina, but a serious question that affects all parties to CCAMLR. Furthermore, Norway echoed the UK in pointing out that the cause of the problems is the behaviour of a third party over many years. Norway recalled Article IV of the Convention, stressing that questions of sovereignty over South Georgia and the South Sandwich Islands are wholly irrelevant to the activities of CCAMLR and should be kept out of the work of the Commission. The objective of CCAMLR, clearly stated in Article II, is the conservation 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.

130. Argentina stated that it shared the view of Norway that the bilateral sovereignty controversy issue between Argentina and the UK should not be discussed in this forum, but that unfortunately another Member had introduced this issue in the discussion. Argentina considered that this was not only a bilateral issue, but rather that it was affecting CCAMLR's core principles. Argentina reminded all Members of the obligation to comply with CM 10-08.

131. ASOC noted that it considered the situation in Subarea 48.3 to be a very serious matter as it considered that CCAMLR has had significant success in implementing effective fisheries conservation measures, measures that should serve as a model for other international organisations seeking to improve fisheries compliance and reduce IUU fishing. ASOC considered that regardless of the circumstances, fishing should not occur if there is no catch limit established by CCAMLR and any interpretation to the contrary undermines the intent of the Convention. However, ASOC recognised that the lack of consensus on CM 41-02 was not due to advice generated from the best available science, or on the basis of a desire to achieve conservation objectives but on the basis of political preference. ASOC stated that the lack of agreement on this specific issue reflects the broader failure of CCAMLR to reach consensus on a wide variety of issues in recent years, often due to a very small minority of Members who are blocking progress. ASOC urged CCAMLR Members to negotiate in good faith so that this situation does not happen again.

132. The UK rejected the interpretation of the Convention and its conservation measures set out by ASOC and reiterated that in its opinion the toothfish fishery in the South Georgia maritime zone had operated in compliance with all applicable conservation measures.

133. Argentina made the following statement:

‘Regarding the United Kingdom’s argument about the alleged consistency of the fishery in Subarea 48.3 with CCAMLR’s conservation measures, allegedly including observers, inspectors, etc. Argentina believes this is not relevant if the fishery does not comply

with the basic principle that requires a CCAMLR measure establishing catch limits and other conditions concerning the toothfish fishery in Subarea 48.3. Argentina stresses that the illegality of this fishing derives from the non-existence of a CCAMLR conservation measure enabling it. Hence, possible compliance in other matters is irrelevant.’

134. The UK made the following statement:

‘The UK set out our position on this matter in COMM CIRC 22/69. We entirely refute any assertion that the British vessels that have been operating in the South Georgia toothfish fishery can be characterised as illegal, unreported or unregulated. They were included on the Draft List at the request of two Members, but we reject any assertion that there has been any contravention of paragraph 5 of CM 10-06, and we do not agree with their inclusion.

On the contrary:

- these four vessels were licensed and operated in accordance with their licences (in accordance with point i)
- each of the vessels reported their catches, which were verified (in accordance with point ii)
- none of the vessels operated in closed areas or during closed fishing periods in contravention of CCAMLR conservation measures CMs (point iii)
- none of the vessels used prohibited gear (point iv)
- none of the vessels transhipped or participated with known IUU vessels (point v)
- valid catch documentation under CM 10-05 has been issued (point vi)
- the vessels were operating only within the South Georgia maritime zone, in which the UK has sovereign rights and jurisdiction with respect to natural resources, in accordance with international law (point vii)
- there is no evidence that any of the vessels engaged in fishing activities contrary to any CCAMLR conservation measures. As we have consistently committed to this Commission, the UK implements domestic measures to implement the highest standards of fisheries management within the South Georgia and the South Sandwich Islands maritime zone that are in line with, and back up, the provisions of CCAMLR in order to ensure the attainment of the objective of the Convention (point viii).

Therefore, as stated in COMM CIRC 22/69, the UK does not agree to the inclusion of these vessels on the proposed or final CP-IUU Vessel List.’

135. Argentina made the following statement:

‘Argentina regrets that the United Kingdom rejects the inclusion of the vessels *Nordic Prince*, *Argos Helena*, *Argos Georgia* and *Polar Bay* in the Proposed CP-IUU Vessel List, when it is clear that said vessels fished in violation of the legal framework of

CCAMLR, thus contributing to diminish the effectiveness of our organisation's conservation measures. As has been explained in this meeting previously and in detail in CCAMLR-41/BG/36, these vessels are not complying with the conservation measures in force, since they contravene CM 31-01 (1986) by fishing for toothfish in the Subarea 48.3 in 2022 without a conservation measure from the Commission authorising it.

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. For that reason, the UK's rationale for the toothfish fishery this season in Subarea 48.3 is very damaging, as it ends up undermining the implicit consensus on the need to fish within the Convention Area with a CCAMLR established total allowable catch.

Precisely because of what CM 31-01 states, no Member has the right to unilaterally establish the fishing conditions for a permitted fishery in Subarea 48.3, including the catch limit. However, that is exactly what the UK did this season, arrogating itself the right to unilaterally define all the parameters hitherto included in CM 41-02.

Were this situation to continue, there is a risk of returning not only Subarea 48.3 but also the entire Convention Area to the legal situation in force in the 1960s and 1970s. This hinders the progress achieved so far throughout the last four decades in the management of Antarctic marine living resources, serving solely commercial interests rather than meeting CCAMLR's conservation objectives.

We are also surprised by this unilateral attitude of the United Kingdom, which is at odds with the attitude demonstrated by this same country during CCAMLR-40 and in the intersessional period, where it urged Members to find a consensual and multilateral solution to the situation taking place in Subarea 48.3, within the framework of the Commission. For some reason, the UK changed its position and is no longer interested in CCAMLR.'

136. Russia expressed regret that the UK had blocked consensus on the inclusion of the four UK-flagged vessels on the CP-IUU Vessel List and noted their opposition to the Subarea 48.3 fishery detailed in COMM CIRCs 22/49 and 22/106. Russia further noted that in accordance with Articles XXI and IX, that it was the responsibility of Members not to act unilaterally when operating vessels in the Convention Area.

137. The UK made the following statement:

'The UK remains committed to the Convention and wishes for consensus to be reached on the regulation of Subarea 48.3 on the basis of the best available science. However, this does not affect our legal position, which is unchanged since the last meeting. Indeed, we have demonstrated our desire to find consensus by spending almost £500 000 on additional scientific evaluation, using data from 14 Members and 155 SISO observers.'

138. Argentina made the following statement:

‘Argentina considers that according to the United Kingdom’s COMM CIRCs, this Member considers that it can carry out fishing activities with or without a conservation measure approved by the Commission. In that sense, Argentina reflected on the reason for meeting every year to discuss these measures if they had no practical effect.

In addition, Argentina encouraged all Members to reflect about this issue and make efforts so that this Convention can continue to show its leadership in the conservation of Antarctic marine living resources. In this regard, Argentina recalled that much had been achieved in CCAMLR’s 40 years history, and always in a multilateral and not a unilateral way.

Finally, Argentina expressed its hope that this issue will be resolved at CCAMLR-41 and not have to be discussed next year.

Argentina reserved the right to discuss this issue in the Commission.’

139. China considered that their understanding of CCAMLR fisheries management is no catch limits means no fishing. Unilateral actions could only aggravate conflict and dispute, running counter to the letter and spirit of the Convention. China noted that all parties should implement the Convention objectives in good faith and encouraged Members with differences to resolve the issue at the Commission.

140. SCIC noted that no consensus was achieved for the inclusion of the UK vessels *Argos Georgia*, *Argos Helena*, *Nordic Prince* and *Polar Bay* on the Proposed CP-IUU Vessel List.

141. 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-40 is provided in Appendix III for consideration by the Commission.

Fishery notifications

142. SCIC noted the Secretariat’s report on fishery notifications for 2022/23 (CCAMLR-41/BG/04).

143. Russia requested the exclusion of the UK vessels *Argos Georgia*, *Argos Helena*, *Nordic Prince* and *Polar Bay* from all fishery notifications noting the vessels’ inclusion on the Draft CP-IUU Vessel List 2022/23.

144. The UK expressed its disagreement with the request from Russia, noting that the fishery notifications were made in full compliance with all relevant CCAMLR conservation measure requirements and could therefore not agree to the exclusion from the exploratory fishery.

145. SCIC did not raise any other issues related to fishery notifications for 2022/23.

Advice from the Scientific Committee to SCIC

146. SCIC considered advice from the Chair of the Scientific Committee (Dr D. Welsford (Australia)) on several topics, including tagging rates, tag overlap statistics, tag handling and gear marking.

Tagging rates and tag-overlap statistics

147. SCIC asked the Chair of the Scientific Committee to clarify whether the tagging rate, and tag-overlap statistic, are to apply to the subarea level, as relevant conservation measures appear to suggest, or to the smallest scale for which a catch limit is set (e.g. research block, SSRU or management area) (SC-CAMLR-41, paragraph 3.121). The Chair of the Scientific Committee noted the extensive discussion on similar matters in the past, and further noted the recommendation agreed by WG-FSA-2022 that the tagging rate should apply to the smallest management area scale, but noted that relevant conservation measures were ambiguous in this respect and needed to be revised.

Handling of fish to be tagged

148. SCIC asked the Chair of the Scientific Committee if the use of a blunt gaffing pole to lift toothfish by the gills was consistent with the protocol for the handling of fish to be tagged. The Chair of the Scientific Committee noted that there was no specific discussion on the use of poles to assist in the handling of large fish during tagging and sought further clarification from vessel operators to determine the exact circumstances of the activity to allow the evaluation of whether this use of poles negatively affects the post-release survival of the fish and it would depend on whether or not the gaffing pole had contact with the filaments. The Chair of the Scientific Committee confirmed in this regard that a contact with the gill covers or operculum was less likely to result in injuries, and further clarified that the suitability of the fish for tagging must be assessed and all tagged fish must be released alive. France therefore provided further clarifications on the tagging method for consideration by SCIC, as outlined in paragraph 103.

149. Following questions relating to the duration of tagging operations, SCIC requested the Scientific Committee provide additional information on the factors which may be affecting post-release survival in regard to this issue.

150. The Chair of the Scientific Committee advised SCIC that participation in the upcoming Toothfish Tagging Workshop (2023) organised by the Scientific Committee may be of value in providing additional education on this topic.

Format of research proposals

151. The Chair of the Scientific Committee sought advice from SCIC on its interpretation of the requirement to use the format in CM 24-01, Annex 24-01/A, format 2, in reference to the compliance of research plan proposals.

152. SCIC noted that it had not considered this issue as part of the CCEP. Some Members expressed the view that, while research plans must be submitted in accordance with the template provided in format 2, not all components of the format would be relevant to a particular research plan; for example, trawl net configuration would be inapplicable to research fishing using longline gear. These Members further noted that the Scientific Committee undertakes a substantive evaluation of a research plan, assesses the scientific implications of allowing research fishing to proceed and makes a recommendation to the Commission. Russia noted that particular research plans should be strictly in accordance with conservation measures and could not be considered in case of discrepancies.

Gear marking

153. The Chair of the Scientific Committee recalled the discussions of WG-FSA-2022, noting the limited ability to identify IUU fishing activities, particularly in areas where IUU fishing has been known to historically occur. The Scientific Committee had noted that having information on levels on IUU fishing activities is very important in providing advice to the Commission and recalled the previous initial efforts to review ways that fishing gear can be better marked to identify if it is being used by legal or IUU operators.

154. SCIC expressed its support in undertaking intersessional work to identify gear marking guidelines and to re-initiate discussions on the topic within the ‘Unidentified fishing gear in the Convention Area’ e-group.

Catch reporting

155. The Chair of the Scientific Committee advised SCIC that the Secretariat had engaged with Chile intersessionally and since resolved the catch reporting issues for the vessels *Juvel* and *Betanzos* during the 2013/14 and 2014/15 seasons (SC-CAMLR-40, paragraph 9.1).

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

Consideration of the Second Performance Review

157. SCIC considered the progress report of the Second Performance Review (PR2) (CCAMLR-41/06) 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.

158. SCIC thanked the Secretariat for compiling the progress report and noted that it provides the first substantial progress update for three years. SCIC noted the value of the Secretariat continuing to track progress against the recommendations listed in PR2, highlighting specific areas where progress has been made, and those where proposals continue to be submitted.

159. SCIC noted the interest among Members to initiate discussions on what the third performance review would look like, including the consideration of the funding possibilities

and timelines. SCIC noted that a focused performance review to supplement the current review process could focus on a specific topic or set of topics.

160. SCIC agreed that the process of the performance review continues to be critical to the Commission and that there is significant merit in reporting on such progress.

Other business

161. SCIC considered the paper on fishing vessels and the international guidelines for safety measures for fishing vessels of 24 m in length and over-operating in polar waters submitted by ASOC (CCAMLR-41/BG/34). ASOC's paper provided an overview of recently adopted IMO guidelines for safety measures for the specified fishing vessels. SCIC thanked ASOC and indicated general support for making the IMO guidelines available on CCAMLR's website and consideration of applying the guidelines to vessels operating in CCAMLR fisheries.

163. Korea proposed Ms Engelke-Ros serve as Chair of SCIC for a second term. The nomination was accepted, and Members congratulated Ms Engelke-Ros on her election and thanked her for her continued service.

164. There were no nominations for Vice-Chair of SCIC.

Close of the meeting

165. The Chair thanked all delegates, as well as the interpreters and Secretariat staff, for their efforts for a productive meeting. Korea also expressed its appreciation to the Secretariat and thanked the Chair.

CCAMLR Compliance Evaluation Report 2021/22

Party	Vessel	Implementation summary – Secretariat	Response – Contracting Party	Status	SCIC Response
CM 10-01					
Ukraine	<i>Calipso</i>	<p>CM 10-01, paragraph 1 (ii), requires that a vessel's IRCS shall be marked on a deck³. Should an awning or other temporary cover be placed so as to obscure the mark on a deck, the awning or cover shall also be marked. These marks should be placed athwartships with the top of the numbers or letters towards the bow.</p> <p>³ A deck is any surface lying in the horizontal plane, including the top of the wheelhouse</p> <p>CM 10-01, paragraph 2 (ii), requires the marks shall be placed that they are not obscured by the fishing gear whether it is stowed or in use.</p> <p>New Zealand carried out an aerial surveillance patrol of the Ross Sea (CCAMLR Subarea 88.1) on 01 of December 2021. Photographs taken in the patrol and provided to the Ukrainian Commissioner on 10 Dec 2021 identify the vessels deck markings of the <i>Calipso</i> have been obscured by stowed fishing gear.</p>	<p>The incident was considered and investigated. The vessel was correctly identified by two markings. The fishing gear was removed from the upper deck in the second part of the day on December 1 and was used for fishing after 16:00.</p> <p>Further Action: Crew instructed. Additional checks will be introduced in the next seasons to avoid the same deficiency on other vessels.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required
CM 10-02					
Australia	<i>Antarctic Discovery</i>	CM 10-02, paragraph 3 , requires each Contracting Party to provide to the Secretariat information on the licence issued within seven (7) days of the issuance	Australia issued the vessel its fishing licence on 23 April 2021 for the period 23 April-30 November 2021. The vessel's licence was issued in accordance with CM 10-02 and the vessel operated in accordance	Minor non-compliant (Level 1)	See paragraph 75

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and prior to the vessel fishing in the Convention Area.

On 03/10/2021 2335 UTC the Secretariat received a 10-day CE Form for the *Antarctic Discovery* for fishing activities in Division 58.5.2 from 21 September 2021 to 30 September 2021. The C2 data for September also reported that fishing begun on 26 September 2021.

The Secretariat requested the licence information from Australia on 05 October 2021 and it was provided on 05 October 2021. The licence issuance date was 23 April 2021.

An explanation was provided by Australia noting that human error had led to the delayed transmission and that it had implemented processes to ensure it doesn't occur again.

Time difference: 165 days after licence issuance and 9 days after fishing began.

with its licence conditions. Human error resulted in Australia not providing the licence information to the Secretariat until requested on 5 October 2021.

Australia has improved its internal processes to ensure that this oversight does not re-occur. Additional staff are now responsible for ensuring licence information is provided to the Secretariat within 7 days of issuance of the licence and prior to the vessel fishing in the Convention Area.

Further Action:
No further action

Preliminary Status: Minor non-compliant (Level 1)

CM 10-03

Uruguay	<i>Altamar</i>	<p>CM 10-03, paragraph 4, requires vessels seeking entry to port to provide the information contained in Annex 10-03/A at least 48 hours in advance to allow adequate time to examine the required information.</p> <p>The inspection report for the <i>Altamar</i> for the inspection undertaken by the British on 22 July 2021 noted that they did not receive Part A (Annex 10-03/A) from the vessel at least 48 hours before entry to port.</p>	<p>El barco no presentó el Form A de la MC 10-03 a la autoridad pesquera con 48 hs. de antelación a la entrada a puerto. Este barco ya no tiene bandera uruguaya.</p> <p>The vessel did not submit form A of CM 10-03 to the fisheries authority 48 h in advance of entry to port. This vessel is not Uruguayan-flagged anymore.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	<p>Minor non-compliant (Level 1)</p>	<p>See paragraph 76</p>
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The following explanation was provided by the UK:

The vessel arrived in port at 10:00 local time, and was informed that they needed to submit Annex A of CM10-03, which was emailed to the enforcement team at 11:52. This was picked up by the team at 14:00 and the inspection took place on 22 July at 13:40. Given the lack of notification, the inspection team had to reorganise priority inspections and every effort was made to undertake the inspection within the necessary timeframes.

The late submission of Part A of the port inspection form from the *Altamar* resulted in the United Kingdom being unable to inspect the vessel within the required 48 hours.

Time difference after deadline: 49 hour 52 minutes (1 hours and 52 minutes after entering port)

South Africa

CM 10-03, paragraph 5, requires that inspections shall be conducted within 48 hours of port entry.

The Korean-flagged vessel *Hong Jin No. 707* entered the South African port of Cape Town at 08:00 01/07/2021 and was inspected at 08:00 05/07/2021.

The Secretariat wrote to South Africa on 14 July 2021 requesting further information on the reason for the delay of the inspection. No response was received.

Time delay of inspection after the 48-hour deadline: 48 hours

The process of inspection was delayed due to the unavailability of Fishery Control Inspectors. Several officials had resigned in the hotspot areas and officials were redeployed to address illegal activities in domestic activities.

Further Action:
Additional officials are being recruited and the process will be complete by 1 October 2022.

Preliminary Status: Non-compliant (Level 2)

Non-compliant (Level 2)

See paragraph 77

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<p>South Africa</p>	<p>CM 10-03, paragraph 5, requires that inspections shall be conducted within 48 hours of port entry.</p> <p>The Japanese-flagged vessel <i>Shinsei Maru No 8</i> entered the South African port of Cape Town at 10:00 28/02/2021 and was inspected at 07/03/2021.</p> <p>The Secretariat wrote to South Africa on 16 March 2022 and 11 April 2022 requesting further information on the reason for the delay of the inspection and to provide the time the inspection began on 07/03/2021. No response was received.</p> <p>Time delay of inspection after the 48 hour deadline: approximately 5 days</p>	<p>One of the Fishery Control Officers responsible for inspections of the particular vessel had taken a leave of absence without informing his partner. It is not desirable for one (1) official to attend to an inspection. Lack of human capacity and IT challenges played a major role in being compliant with the 48hrs.</p> <p>Further Action: The responsible official was issued with a written warning.</p> <p>Additional IT infrastructure has been procured and the recruitment of additional inspectors will be complete by 1 October 2022.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	<p>Minor non-compliant (Level 1)</p>	<p>See paragraph 77</p>
<p>South Africa</p>	<p>CM 10-03, paragraph 5, requires that inspections shall be conducted within 48 hours of port entry.</p> <p>The Spanish-flagged vessel Tronio entered the South African port of Cape Town at 1100 02/05/2022 and was inspected at 0830 12/05/2022.</p> <p>The Secretariat wrote to South Africa on 27 May 2022 requesting further information on the reason for the delay of the inspection. No response was received.</p> <p>Time delay of inspection after the 48-hour deadline: 7 days 21 hours 30 minutes</p>	<p>Human capacity and IT infrastructure caused delays in inspections of the Tronio.</p> <p>Further Action: Additional human capacity is being recruited and IT infrastructure is being upgraded.</p> <p>Preliminary Status: Non-compliant (Level 2)</p>	<p>Non-compliant (Level 2)</p>	<p>See paragraph 77</p>
<p>United Kingdom</p>	<p>CM 10-03, paragraph 5, requires that inspections shall be conducted within 48 hours of port entry.</p>	<p>The UK investigated this potential infringement.</p> <p>The vessel arrived in port at 10:00 local time on the 20 July 2021, and was informed that they needed to submit the pre-notification contained in Annex A of</p>	<p>Compliant</p>	<p>No further action required</p>

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	<p>The Uruguayan vessel <i>Altamar</i> entered the United Kingdom port of Stanley at 09:00 20/07/2021 UTC and was inspected 51 hours and 40 minutes following this entry at 22/06/2021 1240 UTC.</p> <p>The following explanation was provided by the UK: The vessel arrived in port at 10:00 local time, and was informed that they needed to submit Annex A of CM 10-03, which was emailed to the enforcement team at 11:52. This was picked up by the team at 14:00 and the inspection took place on 22 July at 13:40. Given the lack of notification, the inspection team had to reorganise priority inspections and every effort was made to undertake the inspection within the necessary timeframes.</p> <p>Time delay of inspection after the 48-hour deadline: 3 hours and 40 minutes</p>	<p>CM 10-03. This was emailed to the enforcement team at 11:52 and picked up by the team at 14:00 on 20 July. The inspection took place on 22 July at 13:40. The inspection team reorganised priority inspections, with the inspection taking place within the necessary timeframes once the information had been submitted. The vessel holds remained sealed until the inspection was undertaken.</p> <p>Given the lack of notification from the vessel and safety concerns with the vessel remaining outside of port boundaries for 48 hours in order to comply with CM10-03, the UK does not consider this a port state compliance issue.</p> <p>Further Action: All vessel operators have been reminded of their obligation to submit Annex A of CM 10-03 at least 48 hours before entry into port, or be denied entry to port, and/or face financial penalties for failure to comply with CM 10-03 requirements.</p> <p>Preliminary Status: Compliant</p>	
<p>Chile</p>	<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 Japanese-Flagged vessel <i>Shinsei Maru No 8</i> occurred at 18/01/2022 1500 UTC by Chilean port officials and the transmission of the port inspection report occurred on 26/07/2022 1527 UTC.</p> <p>The missing port inspection report was identified by the Secretariat when reconciling the CDS data with the port</p>	<p>The delay in the transmission of the port inspection report was due to a one time error (1 out of 20 reports), by the person in charge in the National Fisheries and Aquaculture Service (SERNAPESCA). It should be noted that the inspection was carried out in a timely manner, as stated in the respective report, on the dates registered in the eCDS system, as established in MC 10-03 and 10-05, and that the inspectors submitted the report to the Regional Office of SERNAPESCA on time and in due form. In order to avoid the reoccurrence of a compliance event of this nature, SERNAPESCA reviewed internal procedures and reiterated the instructions to those responsible of submitting the reports to the Secretariat.</p>	<p>Minor non-compliant (Level 1)</p> <p>No further action required</p>

	<p>inspection data. The port inspection report was then requested from Chile on 26/7/2022. Chile provided the following explanation with the submission of the report: "I must inform you that this delay was due to confusion and an error by the undersigned, taking into account the timely dispatch of the inspectors; my apologies for this."</p> <p>Time delay of transmission after the 30-day deadline: 160 days 0 hours 27 minutes</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 Spanish-Flagged vessel Ibsa Quinto occurred at 07/03/2022 0700 by Mauritian port officials and the transmission of the port inspection report occurred on 27/07/2022 0526 UTC.</p> <p>The missing port inspection report was identified by the Secretariat when reconciling the CDS data with the port inspection data. The port inspection report was then requested from Mauritius on 26/7/2022. Mauritius acknowledged the lateness of the transmission on submission. It was noted in processing the report that the original submission was provided on a PSMA inspection form, and the fishing occurred in the SIOFA convention area.</p> <p>Time delay of transmission after the 30-day deadline: 111 days 22 hours 26 minutes</p>	<p>The Republic of Mauritius acknowledges that the Port Inspection Report in respect of Spanish-flagged Fishing Vessel Ibsa Quinto which called at Port-Louis harbour on 07 March 2022 was submitted with considerable delay to the CCAMLR Secretariat.</p> <p>In line with CCAMLR Conservation Measure 10-03, the Republic of Mauritius systemically forwards the Port Inspection Reports of vessels carrying catches of Toothfish as well as other species caught within the CCAMLR Convention area to the Secretariat within the 30 days deadline following the port inspection.</p> <p>However, in the specific case of the Ibsa Quinto March 2022 calling, such procedure was unfortunately not followed. The reason is that, during the previous calling of the fishing vessel in September 2021, no toothfish was found on board. The Port Inspection Report was sent to the SIOFA Secretariat in line with SIOFA Conservation and Management Measure 2020-08.</p> <p>Due to a breakdown in communication, the calling of F/V Ibsa Quinto in March 2022 was treated similar to its last call and the report was only sent to the SIOFA Secretariat. It is to be noted that F/V Ibsa Quinto just</p>	<p>Minor non-compliant (Level 1)</p>	<p>No further action required</p>

called at Port-Louis harbour in July 2022 with no consignment of toothfish on board.

To avoid the recurrence of such an issue in the future, a procedure has been put in place whereby the Port Inspection Report of all vessels carrying a consignment of toothfish, whether or not such catch was effected in the CCAMLR Convention area, will be invariably sent to the CCAMLR Secretariat in the format as required under Conservation Measure 10-03.

Further Action:

The procedure has been implemented and all toothfish landings in Port-Louis harbour will be reported within the prescribed deadline to the CCAMLR Secretariat.

Preliminary Status: Minor non-compliant (Level 1)

United Kingdom

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).

The inspection of the Korean-Flagged vessel *Sae In Leader* occurred at 3/07/2021 1236 UTC by British port officials and the transmission of the port inspection report occurred on 03/08/2021 0710 UTC.

Time delay of transmission after the 30-day deadline: 18 hours 34 minutes

The UK investigated this potential infringement.

The vessel provided pre-notification of arrival into port on 30th June, stating they would enter port boundaries on 2nd July at 1500 UTC. The vessel arrived in port on 2nd July at 21:20 UTC, with the inspection taking place on 3rd July at 12:36 UTC. The report was provided to UK CCAMLR officials on the 5th July, however certain clarifications were needed. Unfortunately the officer who had undertaken the port inspection had begun at sea inspections, with limited communication channels available. The officer was only able to provide the clarifications once ashore on the 2nd August, with the inspection report submitted to the CCAMLR Secretariat on the 3rd July at 07:10 UTC.

The UK takes its port state obligations very seriously. In order to ensure the correct information is submitted there may be occasions where clarification

Need of interpretation by SCIC

See paragraph 80

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			or additional information is requested before reports are submitted to the CCAMLR Secretariat. The UK therefore requests SCIC to consider an additional provision within CM10-03 which allows an extended time period for submission of information should clarification or additional information need to be gathered.		
			Preliminary Status: Need of interpretation by SCIC		
Uruguay		<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 Uruguayan-Flagged vessel <i>Altamar</i> occurred at 31/07/2021 1600 UTC by Uruguayan port officials and the transmission of the port inspection report occurred on 28/07/2022 1748 UTC.</p> <p>The missing port inspection report was identified by the Secretariat when reconciling the CDS data with the port inspection data. The port inspection report was then requested from Uruguay on 26/7/2022. Uruguay acknowledged the submission of the inspection report was late along with additional information regarding the inspection of the <i>Altamar</i>.</p> <p>Time delay of transmission after the 30-day deadline: 332 days 1 hour 48 minutes</p>	<p>Luego de cumplida la inspección de acuerdo al Form B de la MC 10-03, el mismo no fue remitido a la Secretaría dentro de los 30 días, por un error administrativo. Habiendo realizado las consultas al organismo competente se efectuará la adecuación de procedimientos.</p> <p>The inspection had been conducted and form B of CM 10-03 completed, but the form was not sent to the Secretariat within the 30 day delay because of an administrative oversight. The consultations with the relevant department have been completed and the procedures will be updated.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required
CM 10-04					
Norway	<i>Antarctic Endurance</i>	<p>CM 10-04, paragraph 2, requires all fishing vessels operating within the Convention Area to transmit VMS data hourly.</p>	<p>Regrettably, the Norwegian Directorate of Fisheries did not receive VMS data from the Antarctic <i>Endurance</i> between 23 November 2021 0959 UTC and 24 November 2021 1044 UTC. It has not yet been possible to detect the reason for this data</p>	Non-compliant (Level 2)	No further action required

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	<p>The <i>Antarctic Endurance</i> submitted an entry notification notifying entry to the Convention Area in Subarea 48.3 at 23 Nov 2021 1510 UTC.</p> <p>The Secretariat notified Norway on the 24 Nov 2021 0122 UTC that the Secretariat was not receiving the VMS data from the <i>Antarctic Endurance</i>. No response was received to this email.</p> <p>The <i>Antarctic Endurance</i> began transmitting VMS data to the Secretariat on 24 Nov 2021 1044 UTC.</p> <p>On the 25 Nov 2021 1017 UTC the Secretariat requested the VMS data from when the <i>Antarctic Endurance</i> entered the Convention Area until it began transmitting VMS data.</p> <p>Norway provided the following response to the email on the 25 Nov 2021: "Please be informed that the Directorate of Fisheries has not yet received VMS data for the <i>Antarctic Endurance</i> between 23 November 2021 0959 UTC and 24 November 2021 1044 UTC. So far we have not been able to detect the reason for why the data has not been received, but we are still working on this issue."</p> <p>Currently the Secretariat has not received the VMS data from the point of entry into the Convention Area on 23 November 2021 0959 until VMS transmission began on 24 November 2021 1044 UTC</p>	<p>transmission gap, but it appears that the missing data were not stored in the VMS unit on board the vessel as required.</p> <p>In order to ensure uninterrupted transmission of data as required by CM 10-04 and national regulations, the vessel was requested to replace the VMS unit on board. The new unit was installed late March 2022. The new unit has been working as expected.</p> <p>Preliminary Status: Non-compliant (Level 2)</p>	
<p>France</p>	<p><i>Le Saint Andre</i></p>	<p>CM 10-04, paragraph 6, requires fishing vessel masters, owners or their authorised</p>	<p>France confirms that the port inspection conducted onboard the vessel determined that the VMS device could be opened without having to break the seal</p> <p>Minor non-compliant (Level 1)</p> <p>See paragraph 82</p>

representations ensure that the ALC is not tampered with in any way.

The port inspection report for the inspection undertaken on 11 October 2021 at Le Port, Reunion, France for the french-flagged vessel *Le Saint Andre* noted the following:

“Le dispositif du scelle du VMS presentait une faiblesse concernant l'impossibilite de manipulation frauduleuse. Il a donc ete demande a l'armement de revoir le dispositif et d'en aviser l'agent de contrôle afin qu'une verification soit effectuee avant le nouveau depart du navire prevu mi novembre. Un nouveau scelle sera pose par le COPEC avant depart (photo jointe).”
The VMS seal device exhibited a weakness regarding the impossibility of tampering. The shipping line was therefore asked to review the device and advise the control agent so that a check could be made before the ship's new departure, scheduled for mid-November. A new seal will be installed by the COPEC before departure (photo attached)

Further clarification was sought by the Secretariat as to whether this constituted a compliance issue. The following information was provided:

“Pour répondre à votre demande, je vous précise que le contrôleur a constaté la non conformité du dispositif anti-violation du VMS. En conséquence, il a demandé une modification du dispositif avant le prochain appareillage, ce qui a été effectué.

affixed to it. Consequently, the VMS system was not immune to fraudulent manipulation as required by CCAMLR and the national regulations. However, no fraudulent manipulation was observed.

The shipowner was asked to settle this point before the next departure of the ship so that the opening of the box was rendered impossible without breaking the seal. This has been done and verified by competent authorities (cf. sealing certificate dated November 16, 2021, attached). The issue had therefore been resolved before the next departure of the vessel. The vessel had only operated in waters under national jurisdiction prior to this incident ; the VMS device was made compliant before the ship operated in area 58.4.2.

Further Action:

This matter has been resolved and no further action is required.

Preliminary Status: Minor non-compliant (Level 1)

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		<p>Cependant, aucune incohérence dans le VMS n'a été constaté lors du contrôle (pas de fraude).”</p> <p>To answer your request, I would like to tell you that the controller noted the non-compliance of the VMS anti-violation device. Consequently, he requested a modification of the device before the next fitting, which was carried out.</p> <p>However, no inconsistency in the VMS was observed during the check (no fraud).</p>			
Australia	<i>Antarctic Aurora</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 29 July 2021 0213 UTC by the <i>Antarctic Aurora</i> for entry into the HIMI EEZ notifying the entry time of 29 July 2021 0211 UTC. As no movement notification had been received for entry to Division 58.5.2 the Secretariat requested it from the Australian VMS Contact Officers on 29 July 2021 0236 UTC.</p> <p>A Movement notification was provided to the Secretariat 30 July 2021 0012 UTC by the <i>Antarctic Aurora</i> for entry into Division 58.5.2 notifying the entry time of 28 July 2021 2340 UTC.</p> <p>Time delay after the 24-hour deadline: 32 minutes</p>	<p>Australia confirms that the Movement Notification for the vessel’s entry to Division 58.5.2 was provided to the Secretariat 32 minutes late.</p> <p>The vessel has advised that it experienced issues with its satellite communication system during the trip. As a result, the communication system on the vessel has now been replaced.</p> <p>Australia has engaged with the vessel operator to ensure that all movement notifications are made within the required 24-hour timeframe.</p> <p>Further Action: No further action</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required
Chile	<i>Antarctic Endeavour</i>	<p>CM 10-04, paragraph 13, requires Flag States to notify the Secretariat within 24 hours of each entry to, exit from and</p>	<p>The delay in the notification of the entry of the Antarctic Endeavour vessel was due to a human error by the fishing operations controller. In response to this, the instruction to personnel in charge of</p>	Minor non-compliant (Level 1)	No further action required

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	<p>movement between subareas of the Convention Area.</p> <p>A movement notification was provided to the Secretariat 19 May 2022 1056 UTC by the Antarctic Endeavour for entry into Area 48.1 notifying the entry time of 18 May 2022 0711 UTC.</p> <p>Time delay after the 24-hour deadline: 3 hours 45 minutes</p>	<p>monitoring and controlling the software has been reinforced. In addition, the software used will be updated to include an alarm informing the entry and exit of vessels from the CCAMLR area. The software update should be running by the end of September.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	
<p>CM 10-05</p>			
<p>Belgium</p>	<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. 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>Response submitted to the Secretariat by the European Union (EU) via email:</p> <p>For DEDs/DREDs issued late for movements of toothfish between EU Member States</p> <p>In the case of movements of <i>Dissostichus</i> spp. between the territories of EU Member States, we note that all EU Member States form part of the EU Customs Union. Customs checks are carried out and duties paid when goods first enter the EU Customs Union. From then on, they can circulate freely within without the need for any further customs checks or payment of customs duties. The situation of Members whose territories form part of a customs union is meant to be addressed in the definitions of ‘export’ and of ‘re-export’ in paragraphs 1(v) and (ix) of CM 10-05 respectively. However, the drafting of the definitions is far from clear (there are words missing, ‘to’ and ‘from’ amongst others) but the most important issue is that the difference in wording between these two definitions renders their overall meaning unclear to the extent that is not clear whether DEDs/DREDs are required for movements of <i>Dissostichus</i> spp. between Members of a customs union. We believe that it should not be the case, since technically speaking a movement inside a customs union from one member of the customs union to</p>	<p>Need of interpretation by SCIC</p> <p>See paragraph 85</p>

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Analysis of the e-CDS data has identified Belgium validated 3 DEDs/DREDs after the declared export date. Therefore, these shipments did not have a completed DEDs/DREDs available to accompany them at the time of export. The identified DEDs/DREDs account for 30 % of Belgium's exports.

The time difference between the export and validation for the identified documents are:
 1 DED/DRED was issued between 300 - 400 days after declared export date
 1 DED/DRED was issued between 400 - 500 days after declared export date
 1 DED/DRED was issued between 700 - 800 days after declared export date

A list of individual DCD/DRED document numbers are available as an attachment to this record on the website

another member of that customs union is not an 'export' or a 're-export' and hence there is no actual trade to be covered by a DED/DRED. The issuing of a DED/DRED for CCAMLR members that are part of a customs union should be limited to movements from the customs union, consistent with the purpose of the CDS. We therefore propose a preliminary compliance status of 'Need of interpretation by SCIC'.

Preliminary Status: Need of interpretation by SCIC

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. 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</p>	<p>This non-compliance issue was detected in 2021. Although the amount of certificates involved during the period under analysis (2021/2022) is lower than those detected in the previous period (2020/2021) with 293 DEDs out of a total of 1953 (15%) vs 377 out of 1639 DEDs (23%), the issue persists. After the non-compliance issue was detected during the previous season, the National Fisheries and Aquaculture Service (SERNAPESCA) reiterated instructions regarding the prohibition to validate DEDs after the export date. SERNAPESCA is the competent authority regarding the certification of fishery exports, and is currently implementing electronic systems for the authorization of exports, in accordance with a national strategy to expedite and streamline export procedures and facilitate trade. Within this process, SERNAPESCA also has detected a lack of</p>	Non-compliance (Level 2)	See paragraph 86
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	<p>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 293 DEDs/DREDs after the declared export date. Therefore these shipments did not have a completed DEDs/DREDs available to accompany them at the time of export. The identified DEDs/DREDs account for 15 % of Chile's exports.</p> <p>The time difference between the export and validation for the identified documents are: 40 DEDs/DREDs were issued between 1 - 2 days after declared export date 59 DEDs/DREDs were issued between 3 - 5 days after declared export date 115 DEDs/DREDs were issued between 6 - 10 days after declared export date 37 DEDs/DREDs were issued between 11 - 20 days after declared export date 42 DEDs/DREDs were issued between 21 - 50 days after declared export date</p> <p>A list of individual DCD/DRED document numbers are available as an attachment to this record on the website.</p>	<p>coordination in the validation process of the different requirements for export, regarding certification of food safety and legal origin of fisheries products. In response to this coordination issue, SERNAPESCA has now implemented further adjustments to the control procedures in the electronic system, requiring the manual approval by a fishery control officer to ensure the DED has been issued before the export date for each transfer of <i>Dissostichus</i> spp. and associated products. Additionally, we believe that the Secretariat could also consider the establishment of an automatic blockage for the issue of DED in the e-CDS system, in those cases where the date of the electronic validation is later than the expected date of export, which would reinforce the national control measures implemented. The traceability analysis for the 293 DED with “ex post” validation, ensures that they are not related to IUU fishing activities.</p> <p>Preliminary Status: Non-compliant (Level 2)</p>	
<p>France</p>	<p>CM 10-05 , paragraph 6, requires that each Contracting Party and non-Contracting Party cooperating with CCAMLR by participating in the CDS</p>	<p>Response submitted to the Secretariat by the European Union (EU) via email:</p>	<p>See paragraph 85</p>

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<p>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. The import, export or re-export of <i>Dissostichus</i> spp. without a DED or DRED is prohibited.</p>	<p>For DEDs/DREDs issued late for movements of toothfish from EU Member States to third countries</p> <p>We propose a preliminary compliance status of ‘Need of interpretation by SCIC’. The identified issues relate to the uncertainty surrounding ‘date of issue’ and ‘date of export’, which was an ambiguity of the relevant obligation, constituting a technical impediment to compliance. This issue was discussed at length at SCIC-2021 and the Commission amended CM 10-05 in response. Although the DEDs/DREDs concerned are included in the current reporting period, they were issued before SCIC-2021 and CCAMLR-41 and hence before the clarifications brought at those meetings were available. As CM 10-05 was amended, it can be considered that this matter has been resolved and that no further action is required.</p>	<p>No consensus reached</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>For DEDs/DREDs issued late for movements of toothfish between EU Member States</p> <p>In the case of movements of <i>Dissostichus</i> spp. between the territories of EU Member States, we note that all EU Member States form part of the EU Customs Union. Customs checks are carried out and duties paid when goods first enter the EU Customs Union. From then on, they can circulate freely within without the need for any further customs checks or payment of customs duties. The situation of Members whose territories form part of a customs union is meant to be addressed in the definitions of ‘export’ and of ‘re-export’ in paragraphs 1(v) and (ix) of CM 10-05 respectively. However, the drafting of the definitions is far from clear (there are words missing, ‘to’ and ‘from’ amongst others) but the most important issue is that the difference in wording between these two definitions renders their overall meaning unclear to the extent that is not clear</p>	<p>Need of interpretation by SCIC</p>
<p>Analysis of the e-CDS data has identified France validated 32 DEDs/DREDs after the declared export date. Therefore, these shipments did not have a completed DEDs/DREDs available to accompany them at the time of export. The identified DEDs/DREDs account for 11 % of France's exports.</p>		
<p>The time difference between the export and validation for the identified documents are: 6 DEDs/DREDs were issued between 1 - 2 days after declared export date 20 DEDs/DREDs were issued between 3 - 5 days after declared export date</p>		

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<p>2 DEDs/DREDs were issued between 6 - 10 days after declared export date 4 DEDs/DREDs were issued between 21 - 50 days after declared export date</p> <p>A list of individual DCD/DRED document numbers are available as an attachment to this record on the website.</p>	<p>whether DEDs/DREDs are required for movements of <i>Dissostichus</i> spp. between Members of a customs union. We believe that it should not be the case, since technically speaking a movement inside a customs union from one member of the customs union to another member of that customs union is not an ‘export’ or a ‘re-export’ and hence there is no actual trade to be covered by a DED/DRED. The issuing of a DED/DRED for CCAMLR members that are part of a customs union should be limited to movements from the customs union, consistent with the purpose of the CDS. We therefore propose a preliminary compliance status of ‘Need of interpretation by SCIC’.</p>	
<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. 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</p>	<p>Preliminary Status: Need of interpretation by SCIC</p> <p>Among the 6 incidents, the first five incidents (0A04-ED5B-65C9; 1309-6B95-1622; B055-A712-6CFC; FD01-B10C-7412; and 2A9A-BCFD-A944) occurred due to public holidays caught between the date of issuance of bills of landing and the issuance of DEDs. Korea's internal regulations to implement CM10-05 require an exporter to provide the copy of Bill of Landing when they request the issuance of a DED. In those five incidents, the exporters loaded toothfish into the containers and received bills of landing a day before the holidays began, and then submitted the documents to the National Fishery Products Quality Management Service (NFQS), Korea's DED issuance authority, on the first day after the end of the holidays.</p> <p>The last incident (FC72-E31F-B8E9) is due to a revision made to the DED. The original DED was issued on November 20, 2021, but the importer was changed afterwards. The NFQS would revise the importer section on the DED but the new importer insisted on a brand new DED with new document</p>	<p>Minor non-compliant (Level 1)</p> <p>No further action required</p>

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	<p>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 Korea validated 6 DEDs/DREDs after the declared export date. Therefore these shipments did not have a completed DEDs/DREDs available to accompany them at the time of export. The identified DEDs/DREDs account for 6 % of Korea's exports.</p> <p>The time difference between the export and validation for the identified documents are: 3 DEDs/DREDs were issued between 1 - 2 days after declared export date 2 DEDs/DREDs were issued between 3 - 5 days after declared export date 1 DED/DRED was issued between 11 - 20 days after declared export date</p> <p>A list of individual DCD/DRED document numbers are available as an attachment to this record on the website.</p>	<p>numbers, so the NFQS issued another one for this shipment.</p> <p>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 shipment of toothfish must be accompanied by DEDs before they leave Korean ports.</p> <p>As the Korean government has already taken appropriate actions to prevent a repeat of these incidents, Korea believes that no further action is required.</p> <p>Further Action: No further action required</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	
<p>The Netherlands</p>	<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. The import, export or re-export of</p>	<p>Response submitted to the Secretariat by the European Union (EU) via email:</p> <p>For DEDs/DREDs issued late for movements of toothfish from EU Member States to third countries</p> <p>We propose a preliminary compliance status of 'Need of interpretation by SCIC'. The identified issues relate to the uncertainty surrounding 'date of issue' and 'date of export', which was an ambiguity of the relevant obligation, constituting a technical impediment to compliance. This issue was discussed</p>	<p>No consensus reached</p> <p>See paragraph 85</p>

Dissostichus spp. without a DED or DRED is prohibited.

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.

Analysis of the e-CDS data has identified the Netherlands validated 2 DEDs/DREDs after the declared export date. Therefore these shipments did not have a completed DEDs/DREDs available to accompany them at the time of export. The identified DEDs/DREDs account for 11 % of the Netherland's exports.

The time difference between the export and validation for the identified documents are: 2 DEDs/DREDs were issued between 11 - 20 days after declared export date

A list of individual DCD/DRED document numbers are available as an attachment to this record on the website.

at length at SCIC-2021 and the Commission amended CM 10-05 in response. Although the DEDs/DREDs concerned are included in the current reporting period, they were issued before SCIC-2021 and CCAMLR-41 and hence before the clarifications brought at those meetings were available. As CM 10-05 was amended, it can be considered that this matter has been resolved and that no further action is required.

Preliminary Status: Need of interpretation by SCIC

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</p>	Nil Response	Minor non-compliant (Level 1)	No further action required
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Dissostichus 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 *Dissostichus* spp. without a DED or DRED is prohibited. The import, export or re-export of *Dissostichus* spp. without a DED or DRED is prohibited.

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.

Analysis of the e-CDS data has identified Peru validated 8 DEDs/DREDs after the declared export date. Therefore these shipments did not have a completed DEDs/DREDs available to accompany them at the time of export. The identified DEDs/DREDs account for 6 % of Peru's exports.

The time difference between the export and validation for the identified documents are:
6 DEDs/DREDs were issued between 1 - 2 days after declared export date
2 DEDs/DREDs were issued between 3 - 5 days after declared export date

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	<p>A list of individual DCD/DRED document numbers are available as an attachment to this record on the website.</p>			
<p>South Africa</p>	<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. 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 South Africa validated 5 DEDs/DREDs after the declared export date. Therefore, these shipments did not have a completed DEDs/DREDs available to accompany them at the time of export. The identified DEDs/DREDs account for 15 % of South Africa's exports.</p>	<p>EXP_Export_Code DCD_Document_Number EXP_Export_Date EXP_Confirmed_Date 352A-C4B9-067A ZA-21-0003-E 28 07 2021 30 07 2021 08:38</p> <p>Our client requested a DED on 28 July 2021 from the Department. The DED was processed by the Dept on 30 July 2022. The Department captured the DED date which erroneously showed the estimated export date as 28 July 2021, whereas the export date as per received Bill of Laden provided by the client (which is available on request) reflects the fish loaded on 4 August 2021, and thus export date has been after the verified date of 30 July 2021.</p> <p>No action required Compliant</p> <p>EXP_Export_Code DCD_Document_Number EXP_Export_Date EXP_Confirmed_Date EDBC-A38F-3271 ZA-21-0005-E 13 02 2022 18 02 2022 12:14</p> <p>Our client requested a DED on 11 February 2022 from the Department. All detail of the export was also relayed by the client to our compliance officials via email on 8 February 2022. The DED was processed by the Department at its earliest convenience on 18 February 2022. The Department captured the DED export date which correctly showed as 13 February 2022. The verification official was unfortunately not in office to issue the DED earlier. The client, however complied fully with Departmental export permit conditions.</p> <p>No action required Compliant</p> <p>EXP_Export_Code DCD_Document_Number EXP_Export_Date EXP_Confirmed_Date</p>	<p>Minor non-compliant (Level 1)</p>	<p>No further action required</p>

<p>The time difference between the export and validation for the identified documents are: 2 DEDs/DREDS were issued between 1 - 2 days after declared export date 3 DEDs/DREDS were issued between 3 - 5 days after declared export date</p>	<p>EAC0-4618-35AB KR-21-0011-E 20 07 2021 22 07 2021 21:28 Our client requested a DED on 21 July 2021 from the Department. The DED was processed by the Department on 22 July 2021. The Department captured the DED export date (shipped on board date) as indicated by the client and confirmed on the draft BL as 20 July 2021.</p>
<p>A list of individual DCD/DRED document numbers are available as an attachment to this record on the website.</p>	<p>No action required Minor Non – Compliant (Level 1)</p> <p>EXP_Export_Code DCD_Document_Number EXP_Export_Date EXP_Confirmed_Date AEB0-C4F9-7AA9 KR-21-0011-E 20 07 2021 23 07 2021 02:54 Our client requested a DED on 21 July 2021 from the Department. The DED was processed by the Dept on 23 July 2021. The Department captured the DED export date (shipped on board date) as indicated by the client and confirmed on the draft BL as 20 July 2021. No action required Minor Non – Compliant (Level 1)</p>
	<p>EXP_Export_Code DCD_Document_Number EXP_Export_Date EXP_Confirmed_Date 18D0-2B89-9344 KR-21-0011-E 18 07 2021 21 07 2021 20:24 Our client requested a DED on 21 July 2021 from the Department. The DED was processed by the Department on 21 July 2021. The Department captured the DED export date (shipped on board date) as indicated by the client and confirmed on the draft BL as 18 July 2021. No action required Minor Non – Compliant (Level 1)</p>
	<p>Further Action: No action required</p>

Spain	<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. 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 Spain validated 2 DEDs/DREDs after the declared export date. Therefore these shipments did not have a completed DEDs/DREDs available to accompany them at the time of export. The identified DEDs/DREDs account for 1 % of Spain's exports.</p>	<p>Preliminary Status: Minor non-compliant (Level 1)</p> <p>Response submitted to the Secretariat by the European Union (EU) via email:</p> <p>For DEDs/DREDs issued late by Spain:</p> <p>The delay covers 1% of the Spanish exports, which were issued 6-10 days after the declared export date (to a destination outside the EU Customs Union). We propose a preliminary compliance status of ‘Minor non-compliance (Level 1)’ and as follow-up action further awareness raising and training of relevant personnel as regards the requirements of CM 10-05.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	<p>Minor non-compliant (Level 1)</p>	<p>No further action required</p>
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	<p>The time difference between the export and validation for the identified documents are: 2 DEDs/DREDs were issued between 6 - 10 days after declared export date</p> <p>A list of individual DCD/DRED document numbers are available as an attachment to this record on the website.</p>			
<p>United Kingdom</p>	<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. 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 United Kingdom validated 3 DEDs/DREDs after the declared export date. Therefore,</p>	<p>The UK investigated these potential infringements.</p> <p>The three instances identified were catches from the vessels Costa Do Cabo, Paradenta Primero and Kestral. All three vessels are demersal trawl vessels, with toothfish retained as by-catch. All three vessels operate outside of the Convention Area.</p> <p>The operators for the Spanish-flagged fishing vessel Costa Do Cabo requested a DCD on 2 September 2021 for catches of toothfish, caught between 10 May – 17 June outside the Convention Area, using a demersal trawl targeting other species. DCD ES-21-0020-E for 793kg of HGT was validated on the 14 September, although the operators then confirmed the shipment had been exported on 21 July 2021. At no time did the operators or the flag state authority importing the product contact the UK to notify toothfish products were being exported.</p> <p>The operators for the Spanish-flagged fishing vessel Paradenta Primero requested a DCD (ES-21-0029-E) for catches of toothfish, caught between 2 July – 15 July outside of the Convention Area, using demersal trawl targeting other species. This DCD was validated by the UK on 19th July. The company then requested a DED for export on 1 Dec 14:21 stating container no. SEGU9235263 on-board Scout cargo ship had departed a UK port on 21 July 2021, stating this had been requested by the importing authority. The DED had been validated by the UK on 14 Sept</p>	<p>Minor non-compliant (Level 1)</p>	<p>No further action required</p>

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	<p>these shipments did not have a completed DEDs/DREDS available to accompany them at the time of export. The identified DEDs/DREDS account for 3 % of United Kingdom's exports.</p> <p>The time difference between the export and validation for the identified documents are: 1 DED/DRED was issued between 21 - 50 days after declared export date 2 DEDs/DREDS were issued between 51 - 100 days after declared export date</p> <p>A list of individual DCD/DRED document numbers are available as an attachment to this record on the website.</p> <p>2021 at 13:10UTC regarding 720kg of HGT. In a separate communication from the company on 15 September the operator confirmed the cargo was to arrive in Vigo on the 3 September. At no time prior to the 14 September did the operators or the flag state authority importing the product contact the UK to notify toothfish products were being exported.</p> <p>The operators of the UK-flagged fishing vessel Kestral landed toothfish caught between 10 May – 17 June outside the Convention Area, using a demersal trawl targeting other species, which was landed for processing in a UK port. A DED (GB-20-0022-E) was requested by the company on the 30 June which was validated by the UK on the 1 July regarding 836kg of HGT. The date of export was then confirmed as the 9 June. At no time did the operators or the flag state authority importing the product contact the UK to notify toothfish products were being exported.</p> <p>Further Action: Guidance and training to be issued to all operators who catch toothfish including as by-catch, guidance to port/CDS officers, refusal of CDS documentation for any export/import of toothfish product not meeting CDS requirements, additional financial and criminal charges to be implemented for operators failing to comply with CDS measures.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	
<p>Uruguay</p>	<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</p>	<p>Se constataron incumplimientos de los requisitos de verificación previa, en los tiempos requeridos. La autoridad competente está realizando las averiguaciones del caso para determinar los procedimientos que originaron el incumplimiento y encontrar una solución de futuro a la situación.</p> <p>Minor non-compliant (Level 1)</p> <p>No further action required</p>

import, export or re-export of *Dissostichus* spp. without a DED or DRED is prohibited. The import, export or re-export of *Dissostichus* spp. without a DED or DRED is prohibited.

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.

Analysis of the e-CDS data has identified Uruguay validated 19 DEDs/DREDs after the declared export date. Therefore, these shipments did not have a completed DEDs/DREDs available to accompany them at the time of export. The identified DEDs/DREDs account for 12 % of Uruguay's exports.

The time difference between the export and validation for the identified documents are:

- 1 DED/DRED was issued between 1 - 2 days after declared export date
- 1 DED/DRED was issued between 3 - 5 days after declared export date
- 5 DEDs/DREDs were issued between 6 - 10 days after declared export date
- 10 DEDs/DREDs were issued between 21 - 50 days after declared export date

It was confirmed that there were compliance issues that related to previous verification requirements, within the required delays. The relevant authority is conducting the case investigations to determine the procedures that were the root cause of the non-compliance and to find a future solution to this issue.

Preliminary Status: Minor non-compliant (Level 1)

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2 DEDs/DREDs were issued between 51 - 100 days after declared export date

A list of individual DCD/DRED document numbers are available as an attachment to this record on the website.

CM 10-09

<p>Chile</p>	<p>CM 10-09, paragraph 2, requires 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.</p> <p>Analysis of the transshipment data identified non-compliance with 1 notification.</p> <p>The time differences between the date and time of when the notification was sent (according to the metadata in the notification) and the notified time are: 1 notification was sent 60 - 69 hours after the 72-hour notification deadline</p> <p>Chile provided acknowledgment of the delay of transmission on submission of the notification</p> <p>A list of individual transshipments are available as an attachment to this record on the website.</p>	<p>Due to similar non-compliance events during last season, on September 29 of 2021, the National Fisheries and Aquaculture Service (SERNAPESCA) instructed vessel owners to send the notifications directly to the Secretariat, prior to the transshipment (in the case of projected transshipments) as well as confirmation once transshipment has occurred, including a copy for SERNAPESCA. This in order to shorten notification times and avoid unnecessary delays, thus reducing the risk of non-compliance in the notification process.</p> <p>The non-compliance in question occurred on July 19 2021, before the abovementioned instruction, and was due to a specific internal coordination issue regarding the submission of the notification to the Secretariat.</p> <p>From September 2021 to the date of this report, the Conservation Measure has been fully implemented and no other non-compliance issues have been detected.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	<p>Minor non-compliant (Level 1)</p>	<p>No further action required</p>
<p>China</p>	<p>CM 10-09, paragraph 2, requires 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.</p> <p>Analysis of the transshipment data identified non-compliance with 1 notification.</p>	<p>FU YUAN YU 9818 sent the transshipment notification to her company in time at 22:51 Apr 24, 2022. However, due to time differences, the notification was subsequently sent to the Secretariat nearly 2 hours late.</p> <p>Further Action: China will work out a better arrangement to prevent delayed notification in the future.</p>	<p>Minor non-compliant (Level 1)</p>	<p>No further action required</p>

	<p>The time differences between the date and time of when the notification was sent (according to the metadata in the notification) and the notified time are: 1 notification was sent 0 - 9 hours after the 72-hour notification deadline</p> <p>A list of individual transhipments are available as an attachment to this record on the website.</p>	<p>Preliminary Status: Minor non-compliant (Level 1)</p>		
<p>Norway</p>	<p>CM 10-09, paragraph 2, requires 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.</p> <p>Analysis of the transhipment data identified non-compliance with 4 notifications.</p> <p>The time differences between the date and time of when the notification was sent (according to the metadata in the notification) and the notified time are: 1 notification was sent 0 - 9 hours after the 72-hour notification deadline 1 notification was sent 10 - 19 hours after the 72-hour notification deadline 1 notification was sent 30 - 39 hours after the 72-hour notification deadline 1 notification was sent 70 - 79 hours after the 72-hour notification deadline</p> <p>A list of individual transhipments are available as an attachment to this record on the website.</p>	<p>Our investigations confirm that there have been some incidents of non-compliance with the requirement to notify the Secretariat at least 72 hours in advance of intended transhipment operations. It should however be underlined that the transhipment operations identified as non-compliant with CM 10-09 paragraph 2 did not start before at least 72 hours after the notifications were sent.</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 have increased significantly compared with previous seasons.</p> <p>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>Regarding compliance status we consider most of the cases of non-compliance with CM 10-09 as minor infringements (Level 1). However, as there are several incidents identified, we suggest the status Non-compliant Level 2.</p>	<p>Non-compliant (Level 2)</p>	<p>No further action required</p>

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Preliminary Status: Non-compliant (Level 2)				
Panama	<p>CM 10-09, paragraph 2, requires 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.</p> <p>Analysis of the transshipment data identified non-compliance with 4 notifications.</p> <p>The time differences between the date and time of when the notification was sent (according to the metadata in the notification) and the notified time are: 3 notifications were sent 0 - 9 hours after the 72-hour notification deadline 1 notification was sent 40 - 49 hours after the 72-hour notification deadline</p> <p>A list of individual transshipments are available as an attachment to this record on the website.</p>	<p>Following the issuance of the new fisheries law No. 204 of March 18, 2021, we are discussing the regulatory processes of the fisheries Law. in order to achieve the coverage of fisheries and aquaculture aspects including the periods of submission of information by vessels as for example, the constant that based on domestic regulation, Panama requires its vessels a period of pre-notification of activities of transfer of fishery products, supplies or other with 48 hours minimum, which leaves us at a disadvantage with the requirements of some measures of CCAMLR; Therefore, Panama has communicated to its vessels operating in the CCAMLR area the obligation to comply with conservation and management measures, especially Conservation Measure 10-09.</p> <p>Further Action: Panama has identified non-compliance with CM 10-09, paragraph 2, regarding the submission of information to the Secretariat of the Convention, the necessary measures will be taken for non-compliance and referred to the enforcement department for investigation and the required sanction.</p> <p>Panama has made changes in the structure of the institution, focused on capacity building, causing a constant review of compliance with RFMO Conservation Measures by our Panamanian flag vessel.</p>	Non-compliant (Level 2)	No further action required
Preliminary Status: Non-compliant (Level 2)				
Russia	<p>CM 10-09, paragraph 2, requires 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.</p>	<p>Российская сторона детально расследовала указанные случаи в соответствии с пунктами 2 и 3 Меры по сохранению 10-09 компетентным органом предписывается судам непосредственно направлять уведомления в Секретариат. В ходе рассмотрения указанных случаев установлено,</p>	Minor non-compliant (Level 1)	See paragraphs 87 and 88

<p>Analysis of the transshipment data identified non-compliance with 2 notifications.</p>	<p>что в указанный период времени транспортные суда под флагом Российской Федерации, находились в аренде у компании Baltmed Reefer Service Ltd. (Greece), которая фактически контролировала коммерческую деятельность указанных судов. С учетом того, что оператором судов выступала греческая компания возникли задержки при осуществлении процедуры уведомления о перегрузках в зоне действия Конвенции. Мера по сохранению не предусматривает возможность для оператора судов уведомлять о проведении перегрузок. Тем не менее, фактическое управление коммерческой деятельности судов, в том числе, и в части перегрузок, осуществляет оператор. Судовладелец фактически ограничен в возможности вмешиваться в коммерческие процессы деятельности судов на период аренды. В условиях, когда Мера по сохранению 10-09 не учитывает специфики хозяйственной деятельности операторов судов, требуется её корректировка, в части возможности предписания операторам судов направлять в Секретариат уведомление о перегрузках в зоне действия Конвенции.</p>
<p>The time differences between the date and time of when the notification was sent (according to the metadata in the notification) and the notified time are: 1 notification was sent 0 - 9 hours after the 72-hour notification deadline 1 notification was sent 20 - 29 hours after the 72-hour notification deadline</p>	<p>The Russian side investigated the mentioned cases in detail in accordance with paragraphs 2 and 3 of Conservation Measure 10-09, the competent authority requires vessels to notify the Secretariat directly. During the investigation of these incidents it was established that, at the time specified, the transport vessels flying the flag of the Russian Federation were leased by the company Baltmed Reefer Service Ltd. (Greece), which essentially controlled the vessel's commercial activities. Taking into account the fact that the Greek company was the vessel operator, a misunderstanding arose in respect of the procedure for confirmation of transshipments in</p>

the Convention Area. The Conservation Measure does not allow for the possibility of vessel operators notifying of transhipments. Nonetheless, the actual management of vessels' commercial activity, including transhipments, is done by the operator. Vessel owners are essentially limited in their ability to get involved in the commercial side of vessel's activities during the term of a lease. In cases when CM 10-09 does not account for the specifics of vessel operators' commercial activity, this needs to be corrected in terms of including the possibility of directing vessel operators to provide to the Secretariat notifications of transhipments in the Convention Area.

Further Action:

Возможно потребуется корректировка MC 10-09.

CM 10-09 may need to be adjusted.

Preliminary Status: Need of interpretation by SCIC

<p>Vanuatu</p>	<p>CM 10-09, paragraph 2, requires 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.</p> <p>Analysis of the transhipment data identified non-compliance with 2 notifications.</p> <p>The time differences between the date and time of when the notification was sent (according to the metadata in the notification) and the notified time are: 1 notification was sent 0 - 9 hours after the 72-hour notification deadline 1 notification was sent 20 - 29 hours after the 72-hour notification deadline</p>	<p>Nil Response</p>	<p>Minor non-compliant (Level 1)</p>	<p>No further action required</p>
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	<p>A list of individual transhipments are available as an attachment to this record on the website.</p>			
<p>Australia</p>	<p>CM 10-09, paragraph 3, states that each Flag State shall notify the Secretariat at least 2 hours in advance from the transhipment of items other than harvested marine living resources, bait or fuel.</p> <p>Analysis of the transhipment data identified non-compliance with 1 notification.</p> <p>The time differences between the date and time of when the notification was sent (according to the metadata in the notification) and the notified time are: 1 notification was sent 1 hour – 1 hour 30 minutes after the 2-hour notification deadline</p> <p>A list of individual transhipments are available as an attachment to this record on the website.</p>	<p>Australia confirms that the vessel submitted the notification of transhipment to the Secretariat late. The transhipment involved the provision of refrigeration parts to another vessel. The vessel has advised that it experienced issues with its satellite communication system during the trip. As a result, the communication system on the vessel has now been replaced. Australia has contacted the vessel operator to ensure that prenotification timings for transhipment events are adhered to.</p> <p>Further Action: No further action</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	<p>Minor non-compliant (Level 1)</p>	<p>No further action required</p>
<p>Norway</p>	<p>CM 10-09, paragraph 3, states that each Flag State shall notify the Secretariat at least 2 hours in advance from the transhipment of items other than harvested marine living resources, bait or fuel.</p> <p>Analysis of the transhipment data identified non-compliance with 2 notifications.</p> <p>The time differences between the date and time of when the notification was sent (according to the metadata in the notification) and the notified time are: 2 notification were sent 0 – 30 minutes after the 2-hour notification deadline</p>	<p>Our investigations confirm that there have been a few incidents of non-compliance with the requirement to notify the Secretariat at least 2 hours in advance of intended transhipment of items other than harvested marine living resources, bait or fuel.</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 have increased significantly compared with the previous seasons.</p>	<p>Non-compliant (Level 2)</p>	<p>No further action required</p>

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	<p>A list of individual transhipments are available as an attachment to this record on the website.</p>	<p>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>Regarding compliance status we consider most of the cases of non-compliance with CM 10-09 as minor infringements (Level 1). However, as there are several incidents identified, we suggest the status Non-compliant Level 2.</p> <p>Preliminary Status: Non-compliant (Level 2)</p>		
Panama	<p>CM 10-09, paragraph 3, states that each Flag State shall notify the Secretariat at least 2 hours in advance from the transhipment of items other than harvested marine living resources, bait or fuel.</p> <p>Analysis of the transhipment data identified non-compliance with 1 notification.</p> <p>The time differences between the date and time of when the notification was sent (according to the metadata in the notification) and the notified time are: 1 notification was sent 0 – 30 minutes after the 2-hour notification deadline</p> <p>A list of individual transhipments are available as an attachment to this record on the website.</p>	<p>Panama has identified non-compliance with CM 10-09, paragraph 3, regarding the submission of information to the Secretariat of the Convention, the necessary measures will be taken for non-compliance and referred to the enforcement department for investigation and the required sanction.</p> <p>Further Action: Panama has communicated to its vessels operating in the CCAMLR area the obligation to comply with conservation and management measures, especially Conservation Measure 10-09.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required
United Kingdom	<p>CM 10-09, paragraph 3, states that each Flag State shall notify the Secretariat at least 2 hours in advance from the transhipment of items other than harvested marine living resources, bait or fuel.</p> <p>Analysis of the transhipment data identified non-compliance with 1 notification.</p>	<p>The UK investigated this potential infringement.</p> <p>This transhipment was a movement of supplies between San Aotea II and Argos Helena on the 5 December 2021.</p> <p>The San Aotea II provided the transhipment notification at 12:14 and the Argos Helena at 12:46, both signalling a transhipment of supplies would take</p>	Need of interpretation by SCIC	See paragraph 90

<p>The time differences between the date and time of when the notification was sent (according to the metadata in the notification) and the notified time are: 1 notification was sent 0 – 30 minutes after the 2-hour notification deadline</p> <p>A list of individual transhipments are available as an attachment to this record on the website.</p>	<p>place on 5 December at 14:30, dependent on ice conditions.</p> <p>Argos Helena finished hauling lines at 14:24 and then steamed towards the transhipment meeting point, arriving at 15:47. The transhipment took place at 15:50. At 16:05 Argos Helena notified the Secretariat that the transhipment was completed.</p> <p>The transhipment took place 3 hours 4 minutes after the notification was sent.</p> <p>Further Action: None</p> <p>Preliminary Status: Compliant</p>	
<p>Korea, Republic of</p> <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>Analysis of the transhipment data identified non-compliance with 1 notification.</p> <p>1 transhipment which was notified for was not confirmed.</p> <p>A list of individual transhipments are available as an attachment to this record on the website.</p>	<p>The Sejong received four(4) fenders from the Zefyros Reefer on June 23, 2022, which was reported to the Secretariat two hours prior to the transhipment in accordance with paragraph 3 of CM10-09. The fenders were then transferred to another vessel, Frio Mogami, on June 26 when the Sejong transhipped krill to the carrier vessel. The confirmation report on the fender transhipment from the Zefyros Reefer to the Sejong was omitted by honest mistake but the Sejong commented that the vessel transferred four fenders to the Frio Mogami when it submitted end-of-transhipment report to the Secretariat on June 27. The information on the transhipment of four fenders from the Zefyros Reefer was somehow confirmed but was not in the template shown in Annex 10-09. Therefore, Korea considers this incident minor non-compliant. The Ministry of Oceans and Fisheries of Korea, which delegates transhipment reporting to the vessel, gave stern instruction to the operator to prevent any such future incidents. As (1) this incident was one-off and by honest mistake, and later reported to the Secretariat in full format (2) the relevant information was indirectly provided within 3</p>	<p>Minor non-compliant (Level 1)</p> <p>No further action required</p>

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		<p>working days of the transshipment, (3) Korea took actions to prevent future incidents, Korea considers no further action is required on this case.</p> <p>Further Action: No further action required</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
New Zealand	<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>Analysis of the transshipment data identified non-compliance with 1 notification.</p> <p>1 transshipment which was notified for was not confirmed.</p> <p>A list of individual transshipments are available as an attachment to this record on the website.</p>	<p>Investigation has confirmed that the vessel did not provide the required notification under CM 10-09 paragraph 5 to confirm that a transshipment of engineering parts had been completed. The vessel provided notification to the vessel operator but did not include officials and the Secretariat as required.</p> <p>There was then an administrative oversight by New Zealand officials who did not follow up with the vessel operator on the missing transshipment notification. Administrative procedures have been amended by the Contracting Party to ensure this does not occur again.</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
Norway	<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>Analysis of the transshipment data identified non-compliance with 3 notifications.</p> <p>3 transshipments which were notified for were not confirmed.</p>	<p>According to the Implementation Summary provided by the Secretariat 3 transshipments which were notified for were not confirmed as required by CM 10-09 paragraph 5.</p> <p>However, our investigations have shown that a confirmation was provided for the transshipments that were notified 20 May 2022 (THP_ID 118429 and 118428). According to our records, the Directorate of Fisheries received the confirmation 25 May 2022 at 19:52. The transshipment that was notified 8 February 2022 has not been confirmed.</p>	Non-compliant (Level 2)	No further action required

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	<p>A list of individual transhipments are available as an attachment to this record on the website.</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 have increased significantly compared with previous seasons.</p> <p>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>Regarding compliance status we consider most of the cases of non-compliance with CM 10-09 as minor infringements (Level 1). However, as there are several incidents identified, we suggest the status Non-compliant Level 2.</p> <p>Preliminary Status: Non-compliant (Level 2)</p>		
Panama	<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>Analysis of the transhipment data identified non-compliance with 3 notifications.</p> <p>3 transhipments which were notified for were not confirmed.</p> <p>A list of individual transhipments are available as an attachment to this record on the website.</p>	<p>Panama has identified non-compliance with CM 10-09, paragraph 5, regarding the submission of information to the Secretariat of the Convention, the necessary measures will be taken for non-compliance and referred to the enforcement department for investigation and the required sanction.</p> <p>Further Action: Panama has communicated to its vessels operating in the CCAMLR area the obligation to comply with conservation and management measures, especially Conservation Measure 10-09.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required
Russia	<p>CM 10-09, paragraph 5, states that each Flag State shall confirm the information provided for a transhipment in accordance</p>	<p>Российская сторона детально расследовала указанные случаи в соответствии с пунктами 2 и 3 Меры по сохранению 10-09 компетентным</p>	Minor non-compliant (Level 1)	See paragraph 91

<p>with paragraphs 2 or 3 to the Secretariat within 3 working days of having transhipped.</p>	<p>органом предписывается судам непосредственно направлять уведомления в Секретариат. В ходе рассмотрения указанных случаев установлено, что в указанный период времени транспортные суда под флагом Российской Федерации, находились в аренде у компании Baltmed Reefer Service Ltd. (Greece), которая фактически контролировала коммерческую деятельность указанных судов. С учетом того, что оператором судов выступала греческая компания возникли недопонимание при осуществлении процедуры подтверждения о перегрузках в зоне действия Конвенции. Мера по сохранению не предусматривает возможность для оператора судов уведомлять о проведении перегрузок. Тем не менее, фактическое управление коммерческой деятельности судов, в том числе, и в части перегрузок, осуществляет оператор. Судовладелец фактически ограничен в возможности вмешиваться в коммерческие процессы деятельности судов на период аренды. В условиях, когда Мера по сохранению 10-09 не учитывает специфики хозяйственной деятельности операторов судов, требуется её корректировка, в части возможности предписания операторам судов направлять в Секретариат уведомление о перегрузках в зоне действия Конвенции.</p>
<p>Analysis of the transshipment data identified non-compliance with 8 notifications.</p>	
<p>8 transhipments which were notified for were not confirmed.</p>	
<p>A list of individual transhipments are available as an attachment to this record on the website.</p>	<p>The Russian side investigated the mentioned cases in detail in accordance with paragraphs 2 and 3 of Conservation Measure 10-09, the competent authority requires vessels to notify the Secretariat directly. During the investigation of these incidents it was established that, at the time specified, the transport vessels flying the flag of the Russian Federation were leased by the company Baltmed Reefer Service Ltd. (Greece), which essentially controlled the vessel's commercial activities. Taking</p>

into account the fact that the Greek company was the vessel operator, a misunderstanding arose in respect of the procedure for confirmation of transshipments in the Convention Area. The Conservation Measure does not allow for the possibility of vessel operators notifying of transshipments. Nonetheless, the actual management of vessels' commercial activity, including transshipments, is done by the operator. Vessel owners are essentially limited in their ability to get involved in the commercial side of vessel's activities during the term of a lease. In cases when CM 10-09 does not account for the specifics of vessel operators' commercial activity, this needs to be corrected in terms of including the possibility of directing vessel operators to provide to the Secretariat notifications of transshipments in the Convention Area.

Further Action:

Возможно потребуетя корректировка MC 10-09

CM 10-09 may need to be adjusted

Preliminary Status: Need of interpretation by SCIC

<p>Vanuatu</p>	<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>Analysis of the transshipment data identified non-compliance with 2 notifications.</p> <p>2 transhipments which were notified for were not confirmed.</p>	<p>Nil Response</p>	<p>Minor non-compliant (Level 1)</p>	<p>No further action required</p>
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	<p>A list of individual transhipments are available as an attachment to this record on the website.</p>			
Panama	<p>CM 10-09, paragraph 8, states that no vessel may tranship within the Convention Area for which prior notification, pursuant to paragraphs 2, 3 and 4 above, has not been given.</p> <p>Analysis of the transhipment data identified non-compliance with 4 transhipments.</p> <p>4 transhipments were confirmed but no notification was given by the Flag State or the vessel.</p> <p>A list of individual transhipments are available as an attachment to this record on the website.</p>	<p>Panama has identified non-compliance with CM 10-09, paragraph 8, regarding the submission of information to the Secretariat of the Convention, the necessary measures will be taken for non-compliance and referred to the enforcement department for investigation and the required sanction.</p> <p>Further Action: Panama has communicated to its vessels operating in the CCAMLR area the obligation to comply with conservation and management measures, especially Conservation Measure 10-09.</p> <p>Preliminary Status: Non-compliant (Level 2)</p>	<p>Non-compliant (Level 2)</p>	<p>No further action required</p>
Russia	<p>CM 10-09, paragraph 8, states that no vessel may tranship within the Convention Area for which prior notification, pursuant to paragraphs 2, 3 and 4 above, has not been given.</p> <p>Analysis of the transhipment data identified non-compliance with 3 transhipments.</p> <p>3 transhipments were confirmed but no notification was given by the Flag State or the vessel.</p> <p>A list of individual transhipments are available as an attachment to this record on the website.</p>	<p>Российская сторона детально расследовала указанные случаи В соответствии с пунктами 2 и 3 Меры по сохранению 10-09 компетентным органом предписывается судам непосредственно направлять уведомления в Секретариат. В ходе рассмотрения указанных случаев установлено, что в указанный период времени транспортные суда под флагом Российской Федерации, находились в аренде у компании Baltmed Reefer Service Ltd. (Greece), которая фактически контролировала коммерческую деятельность указанных судов. С учетом того, что оператором судов выступала греческая компания возникло недопонимание при осуществлении процедуры уведомления о перегрузках в зоне действия Конвенции. Мера по сохранению не предусматривает возможность для оператора судов уведомлять о проведении перегрузок. Тем не менее, фактическое управление коммерческой деятельности судов, в том числе, и в части</p>	<p>Minor non-compliant (Level 1)</p>	<p>See paragraph 92</p>

перегрузок, осуществляет оператор. Судовладелец фактически ограничен в возможности вмешиваться в коммерческие процессы деятельности судов на период аренды. В условиях, когда Мера по сохранению 10-09 не учитывает специфики хозяйственной деятельности операторов судов, требуется её корректировка, в части возможности предписания операторам судов направлять в Секретариат уведомление о перегрузках в зоне действия Конвенции.

The Russian side investigated the mentioned cases in detail in accordance with paragraphs 2 and 3 of Conservation Measure 10-09, the competent authority requires vessels to notify the Secretariat directly. During the investigation of these incidents it was established that, at the time specified, the transport vessels flying the flag of the Russian Federation were leased by the company Baltmed Reefer Service Ltd. (Greece), which essentially controlled the vessel's commercial activities. Taking into account the fact that the Greek company was the vessel operator, a misunderstanding arose in respect of the procedure for confirmation of transshipments in the Convention Area. The Conservation Measure does not allow for the possibility of vessel operators notifying of transshipments. Nonetheless, the actual management of vessels' commercial activity, including transshipments, is done by the operator. Vessel owners are essentially limited in their ability to get involved in the commercial side of vessel's activities during the term of a lease. In cases when CM 10-09 does not account for the specifics of vessel operators' commercial activity, this needs to be corrected in terms of including the possibility of directing vessel operators to provide to the Secretariat notifications of transshipments in the Convention Area.

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			Further Action: Возможно потребуется корректировка MC 10-09		
			CM 10-09 may need to be adjusted		
			Preliminary Status: Need of interpretation by SCIC		
Vanuatu		<p>CM 10-09, paragraph 8, states that no vessel may tranship within the Convention Area for which prior notification, pursuant to paragraphs 2, 3 and 4 above, has not been given.</p> <p>Analysis of the transshipment data identified non-compliance with 2 transhipments.</p> <p>2 transhipments were confirmed but no notification was given by the Flag State or the vessel.</p> <p>A list of individual transhipments are available as an attachment to this record on the website.</p>	Nil Response	Minor non-compliant (Level 1)	No further action required
CM 25-02					
Australia	<i>Antarctic Aurora</i>	<p>CM 41-08, paragraph 5, states the longline fishery shall be carried out in accordance with CM 25-02.</p> <p>CM 25-02, Annex 25-02/A, paragraph 4, states the streamer length shall be a minimum of 1 meter at the seaward end.</p> <p>Observer report #2101 for the trip on the Australian-flagged <i>Antarctic Aurora</i> for the period 16 July 2021 - 29 September 2021 reported the following: "Streamer length min/max (m): 7.5/0.5"</p>	<p>Australia investigated this incident including reviewing the observer report #2101 and port inspection report and discussing with the relevant observer and port inspector. The observer confirmed that the vessel was compliant with CM 25-02 for minimum streamer length and indicated that 0.5m was a typographical error on the included diagram which should have been 1.5m. Australia's review of the port inspection report indicates that the streamer line meets specifications and discussion with the inspector further confirmed this.</p> <p>In addition, Australia contacted the vessel to further verify the streamer line lengths. It was not possible to confirm the minimum sized streamers used for this</p>	Compliant	No further action required

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			particular trip as the tori lines have since been replaced as part of routine standard maintenance practice.		
			Further Action: No action required.		
			Preliminary Status: Compliant		
Ukraine	<i>Calipso</i>	<p>CM 41-08, paragraph 5, states the longline fishery shall be carried out in accordance with CM 25-02.</p> <p>CM 25-02, Annex 25-02/A, paragraph 4, states that streamers are to be comprised of brightly coloured plastic tubing or cord.</p> <p>Observer report #2183 for the trip on the Ukrainian-flagged <i>Simeiz</i> for the period 24 Oct 2021 - 10 January 2022 reported the following: "Streamers were bright orange and consisted of 3cm canvas strips [Figure 45]."</p>	<p>Paragraph 1 CM 25-02, Annex 25-02/A states: "...Vessels are encouraged to optimize the aerial extent..."</p> <p>The streamer line followed the CCAMLR design. The manufacturing material had a bright orange color (a plastic strip 3 cm wide). Canvas strips used on the FV CALIPSO look more agile and provide better streamer line efficiency. As a result no by-catch of birds was registered. Besides, no cases of birds eating the bait during the entire observation period. This could be discussed at the SCIC meeting whether using of canvas strips violates the birds mortality minimization purpose.</p>	Compliant	No further action required
			Preliminary Status: Compliant		
Ukraine	<i>Simeiz</i>	<p>CM 41-08, paragraph 5, states the longline fishery shall be carried out in accordance with CM 25-02.</p> <p>CM 25-02, Annex 25-02/A, paragraph 4, states the streamer length shall be a minimum of 1 meter at the seaward end.</p> <p>Observer report #2179 for the trip on the Ukrainian-flagged <i>Simeiz</i> for the period 24 Oct 2021 - 10 February 2022 reported the following: "Streamer length min/max (m): 0.52/7.1"</p>	<p>Paragraph 1 CM 25-02, Annex 25-02/A states: "...Vessels are encouraged to optimize the aerial extent..."</p> <p>The streamer line on the FV SIMEIZ is fully compliant with the minimum requirements and has been extra-equipped by a number of additional strips of length shorter than 1 meter.</p>	Minor non-compliant (Level 1)	No further action required
			Preliminary Status: Compliant		
Japan	<i>Shinsei Maru No 8</i>	<p>CM 41-09, paragraph 7, states the longline fishery shall be carried out in accordance with CM 25-02.</p>	<p>It was confirmed that it used the streamer line including two streamers at the seaward end which were less than 1 m during the specified period.</p>	Minor non-compliant (Level 1)	No further action required

		<p>CM 25-02 Annex 25-02/A, paragraph 4, states the streamer length shall be a minimum of 1 meter at the seaward end.</p> <p>Observer report #2187_2188 for the trip on the Japanese-flagged <i>Shinsei Maru No 8</i> for the period 28 Oct 2021 - 21 May 2022 reported the following: "Streamer lengths 0.55 - 6.75m"</p>	<p>It was also confirmed that the length of those streamers was sufficient enough to reach the sea surface, as specified in paragraph 4 of CM 25-02 Annex 25-02/A.</p> <p>The vessel is sure to operate in the future in accordance with relevant conservation measures.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
CM 26-01					
China	<i>Fu Yuan Yu 9818</i>	<p>CM 26-01, paragraph 1, states that vessels fishing in the Convention Area shall be prohibited from discharging plastics³ into the sea, in accordance with MARPOL Annex V on Regulations from the Prevention of Pollution by Garbage from ships.</p> <p>Observer report #2132 for the trip on the Chinese-flagged <i>Fu Yuan Yu 9818</i> from 10 June 2021 - 25 August 2021 reported the following: ""Combustible waste was incinerated and the residue retained. It was retained on deck and the residue was more safely stored using tarpaulin and cordage to prevent it blowing away following a recommendation by the observer to do so. It was still stored on deck however. The observer witnessed waste left un-stowed prior to incineration, leaving it at risk of blowing away. There were four separate incidents in which waste was accidentally lost. These</p>	<p>The said incidents were unintentional loss due to strong wind. Afterwards, Fu Yuan Yu 9818 changed to a new iron-cage garbage storage container which is properly covered and secured. The measure can effectively prevent the loss of garbage even under strong wind.</p> <p>Further Action: China will emphasize this issue during the annual training course to be held in November this year to prevent similar incident happening again in the future.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	See paragraph 95

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		included cardboard packaging, plastic bags and cans.""			
		The loss of plastic bags at sea due to the management practices of waste prior to incineration has been assessed as a prohibited discharge of plastic into the sea.			
France	<i>Le Saint Andre</i>	<p>CM 26-01, paragraph 9, prohibits the dumping or discharging of offal or discards south of 60°S.</p> <p>From the 01 Feb 2022 to the 12 Feb 2022 the <i>Le Saint Andre</i> reported in their C2 data discarding south of 60°S 135 individuals of TOA with a total weight of 1 720.12 kg and 2 individuals of SRX with a total weight of 6.6 kg.</p>	<p>France has investigated this matter with competent authorities and the shipowner in order to determine the origin of this issue. We can confirm that it is the result of an error in filling the C2 file.</p> <p>The crew operated as they usually do in waters under national jurisdiction, where the terminology used in the national reportings is "weighed and discarded" even if the discards take place subsequently and are kept on board in the meantime. This instance has been clarified with shipowners so that the discards, that are kept onboard and discarded only when north of 60°S, will be correctly declared as "retained" during the operations south of 60°S.</p> <p>The report from the international observer onboard confirms that there was no discharge south of 60°S: "The waste is stored in bags for shore disposal. Kitchen and factory waste or by-product is also crushed and stored in tanks onboard for high seas disposal north of the 60° south latitude."</p> <p>Instructions will be provided so that C2 data is correctly declared, however no instance of non-compliance have been identified.</p> <p>Further Action: Further instructions on C2 data reporting will be provided.</p> <p>Preliminary Status: Compliant</p>	Compliant	No further action required
Uruguay	<i>Ocean Azul</i>	<p>CM 26-01, paragraph 9, prohibits the dumping or discharging of offal or discards south of 60°S.</p>	<p>Los observadores (nacional e internacional) informaron que los desechos de pescado fueron retenidos a bordo para ser eliminados una vez abandonada el Área de la Convención.Ésta se efectuó</p>	Compliant	No further action required

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<p>From the 01 Feb 2022 to the 12 Feb 2022 the <i>Ocean Azul</i> reported in their C2 data discarding south of 60°S 31 individuals of TOA with a total weight of 151 kg.</p>	<p>fuera del área de la CCRVMA. Habiéndose hecho las consultas correspondientes, se concluye que los ejemplares descartados no se referían a descargados al mar, por lo que se entiende que hubo ambigüedad o mal entendido en el registro en el formulario C2v.</p>	
	<p>The observers (national and international) reported that the fish offal were retained on board for their elimination once out of the Convention Area. This was done once the vessel had left the CCAMLR area. Having carried out the relevant consultations, we conclude that discarded fish did not mean discarded at sea, and it is our understanding that the record in form C2v was ambiguous or unclear.</p>	
<p>Preliminary Status: Minor non-compliant (Level 1)</p>		
<p>CM 31-01</p>		
<p>United Kingdom <i>Argos Georgia</i></p> <p>As stated in COMM CIRC 22/37 - SC CIRC 22/31, CM 31-01 for each fishing season the Commission shall establish such limitations or other measures, as necessary, around South Georgia.</p> <p>The <i>Argos Georgia</i> reported CE and C2 data for Fishing for <i>Dissostichus eleginoides</i> in Subarea 48.3 in June 2022 contrary to CM 31-01</p> <p>This event is considered further on the Draft IUU Vessel List (COMM CIRC 22/64).</p>	<p>As set in detail in COMM CIRC 22/51 – SC CIRC 22/50 the UK clearly sets out its position in regards to the Patagonian toothfish fishery in the part of the proclaimed maritime zone of South Georgia and the South Sandwich Islands that lies within statistical subarea 48.3.</p> <p>There is no scientific or legal justification for any Member seeking the closure of the Patagonian toothfish fishery in subarea 48.3. All Members of the Commission, apart from Russia, agreed that the proposed terms on which CM 41-02 was to be re-adopted at CCAMLR40 were consistent with the best available science and in accordance with the CCAMLR decision rules.</p> <p>In relation to CM 31-01 which requires CCAMLR to ‘establish such limitations or other measures, as necessary’ for fishing in subarea 48.3, but which does not provide, or imply, that if CCAMLR does not adopt such a measure (even if objectively required), any limitation on fishing will nonetheless come into</p>	<p>No consensus reached</p> <p>See paragraphs 97 to 102</p>

existence. In connection with this, the UK notes that fishing for toothfish took place in subarea 48.3 prior to a catch-limit being set for that species, including in the years after Conservation Measure 31-01 was adopted. There is no suggestion (such as in the records of meetings at the time) that such fishing prior to the adoption of a catch-limit was contrary to the CAMLR Convention or any Conservation Measure, including Conservation Measure 31-01.

Furthermore, the UK has operated the South Georgia toothfish fishery in line with all relevant CMs including, but not limited to, CM 10-02, CM 10-04, CM 10-05 and CM 23-01.

The UK does not believe COMM CIRC 22/37 – SC COMM 22/31 explicitly demonstrates non-compliance with CM 31-01. Given the vessels operating in the South Georgia fishery have been included on the preliminary draft IUU list for Contracting Parties as requested by one Member, we believe this matter will be considered by SCIC under CM10-06 and should therefore be removed from consideration under CM31-01 and the draft compliance report.

Preliminary Status: Compliant

United Kingdom	<i>Argos Helena</i>	<p>As stated in COMM CIRC 22/37 - SC CIRC 22/31, CM 31-01 for each fishing season the Commission shall establish such limitations or other measures, as necessary, around South Georgia.</p> <p>The <i>Argos Helena</i> reported CE and C2 data for Fishing for <i>Dissostichus eleginoides</i> in Subarea 48.3 in June 2022 contrary to CM 31-01</p>	<p>As set in detail in COMM CIRC 22/51 – SC CIRC 22/50 the UK clearly sets out its position in regards to the Patagonian toothfish fishery in the part of the proclaimed maritime zone of South Georgia and the South Sandwich Islands that lies within statistical subarea 48.3.</p> <p>There is no scientific or legal justification for any Member seeking the closure of the Patagonian toothfish fishery in subarea 48.3. All Members of the Commission, apart from Russia, agreed that the proposed terms on which CM 41-02 was to be re-</p>	No consensus reached	See paragraphs 97 to 102
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This event is considered further on the Draft IUU Vessel List (COMM CIRC 22/64).

adopted at CCAMLR40 were consistent with the best available science and in accordance with the CCAMLR decision rules.

In relation to CM 31-01 which requires CCAMLR to ‘establish such limitations or other measures, as necessary’ for fishing in subarea 48.3, but which does not provide, or imply, that if CCAMLR does not adopt such a measure (even if objectively required), any limitation on fishing will nonetheless come into existence. In connection with this, the UK notes that fishing for toothfish took place in subarea 48.3 prior to a catch-limit being set for that species, including in the years after Conservation Measure 31-01 was adopted. There is no suggestion (such as in the records of meetings at the time) that such fishing prior to the adoption of a catch-limit was contrary to the CAMLR Convention or any Conservation Measure, including Conservation Measure 31-01.

Furthermore, the UK has operated the South Georgia toothfish fishery in line with all relevant CMs including, but not limited to, CM 10-02, CM 10-04, CM 10-05 and CM 23-01.

The UK does not believe COMM CIRC 22/37 – SC COMM 22/31 explicitly demonstrates non-compliance with CM 31-01. Given the vessels operating in the South Georgia fishery have been included on the preliminary draft IUU list for Contracting Parties as requested by one Member, we believe this matter will be considered by SCIC under CM10-06 and should therefore be removed from consideration under CM31-01 and the draft compliance report.

Preliminary Status: Compliant

United Kingdom	<i>Nordic Prince</i>	As stated in COMM CIRC 22/37 - SC CIRC 22/31, CM 31-01 for each fishing	As set in detail in COMM CIRC 22/51 – SC CIRC 22/50 the UK clearly sets out its position in regards	No consensus reached	See paragraphs 97 to 102
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season the Commission shall establish such limitations or other measures, as necessary, around South Georgia.

The *Nordic Prince* reported CE and C2 data for Fishing for *Dissostichus eleginoides* in Subarea 48.3 in June 2022 contrary to CM 31-01

This event is considered further on the Draft IUU Vessel List (COMM CIRC 22/64).

to the Patagonian toothfish fishery in the part of the proclaimed maritime zone of South Georgia and the South Sandwich Islands that lies within statistical subarea 48.3.

There is no scientific or legal justification for any Member seeking the closure of the Patagonian toothfish fishery in subarea 48.3. All Members of the Commission, apart from Russia, agreed that the proposed terms on which CM 41-02 was to be re-adopted at CCAMLR40 were consistent with the best available science and in accordance with the CCAMLR decision rules.

In relation to CM 31-01 which requires CCAMLR to ‘establish such limitations or other measures, as necessary’ for fishing in subarea 48.3, but which does not provide, or imply, that if CCAMLR does not adopt such a measure (even if objectively required), any limitation on fishing will nonetheless come into existence. In connection with this, the UK notes that fishing for toothfish took place in subarea 48.3 prior to a catch-limit being set for that species, including in the years after Conservation Measure 31-01 was adopted. There is no suggestion (such as in the records of meetings at the time) that such fishing prior to the adoption of a catch-limit was contrary to the CAMLR Convention or any Conservation Measure, including Conservation Measure 31-01.

Furthermore, the UK has operated the South Georgia toothfish fishery in line with all relevant CMs including, but not limited to, CM 10-02, CM 10-04, CM 10-05 and CM 23-01.

The UK does not believe COMM CIRC 22/37 – SC COMM 22/31 explicitly demonstrates non-compliance with CM 31-01. Given the vessels operating in the South Georgia fishery have been

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			included on the preliminary draft IUU list for Contracting Parties as requested by one Member, we believe this matter will be considered by SCIC under CM10-06 and should therefore be removed from consideration under CM31-01 and the draft compliance report.		
			Preliminary Status: Compliant		
United Kingdom	<i>Polar Bay</i>	<p>As stated in COMM CIRC 22/37 - SC CIRC 22/31, CM 31-01 for each fishing season the Commission shall establish such limitations or other measures, as necessary, around South Georgia.</p> <p>The <i>Polar Bay</i> reported CE and C2 data for Fishing for <i>Dissostichus eleginoides</i> in Subarea 48.3 in June 2022 contrary to CM 31-01</p> <p>This event is considered further on the Draft IUU Vessel List (COMM CIRC 22/64).</p>	<p>As set in detail in COMM CIRC 22/51 – SC CIRC 22/50 the UK clearly sets out its position in regards to the Patagonian toothfish fishery in the part of the proclaimed maritime zone of South Georgia and the South Sandwich Islands that lies within statistical subarea 48.3.</p> <p>There is no scientific or legal justification for any Member seeking the closure of the Patagonian toothfish fishery in subarea 48.3. All Members of the Commission, apart from Russia, agreed that the proposed terms on which CM 41-02 was to be re-adopted at CCAMLR40 were consistent with the best available science and in accordance with the CCAMLR decision rules.</p> <p>In relation to CM 31-01 which requires CCAMLR to ‘establish such limitations or other measures, as necessary’ for fishing in subarea 48.3, but which does not provide, or imply, that if CCAMLR does not adopt such a measure (even if objectively required), any limitation on fishing will nonetheless come into existence. In connection with this, the UK notes that fishing for toothfish took place in subarea 48.3 prior to a catch-limit being set for that species, including in the years after Conservation Measure 31-01 was adopted. There is no suggestion (such as in the records of meetings at the time) that such fishing prior to the adoption of a catch-limit was contrary to the CAMLR Convention or any Conservation Measure, including Conservation Measure 31-01.</p>	No consensus reached	See paragraphs 97 to 102

Furthermore, the UK has operated the South Georgia toothfish fishery in line with all relevant CMs including, but not limited to, CM 10-02, CM 10-04, CM 10-05 and CM 23-01.

The UK does not believe COMM CIRC 22/37 – SC COMM 22/31 explicitly demonstrates non-compliance with CM 31-01. Given the vessels operating in the South Georgia fishery have been included on the preliminary draft IUU list for Contracting Parties as requested by one Member, we believe this matter will be considered by SCIC under CM10-06 and should therefore be removed from consideration under CM31-01 and the draft compliance report.

Preliminary Status: Compliant

CM 41-01

France	<i>Le Saint Andre</i>	<p>CM 41-01, Annex C, paragraph 2 (i), requires the tag and release of toothfish according to the CCAMLR Tagging Protocol. The CCAMLR Tagging Protocol states that a gaff should not be used for landing fish to be tagged.</p>	<p>As noted by the international observer in his report, crewmembers use a blunt pole as a handling aid or stabilizer, adapted to haul larger toothfish onboard without hurting them. After tagging, they then use a stretcher to lift the toothfish and release them into the water.</p> <p>This use of auxiliary tools, under the supervision of an officer and the onboard observer, is not inconsistent with the requirements of the "Tagging protocol".</p> <p>Besides, this instance echoes a similar one encountered in 2020 where France had already provided explanations on the method used by crewmembers. In this similar case, there was consensus amongst Members to retain a compliance status on this issue (refer to CCAMLR-39/BG/15 Rev. 1).</p> <p>Further Action: No further action required.</p>	Compliant	No further action required
<p>Observer report #2219 for the trip on the French-flagged <i>Le Saint Andre</i> for the period 19 Nov 2021 - 26 February 2022 reported the following: "The vessel had a system onboard of using "blunt gaffing poles" with plastic sheath covering which was used to bring the big fish onboard. A net-woven stretcher was then used for release back into the water."</p>					

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Preliminary Status: Compliant					
Spain	<i>Tronio</i>	<p>CM 41-01, Annex C, paragraph 2 (iii), states that each vessel shall achieve a minimum tag-overlap statistic of 60% for each species of <i>Dissostichus</i>. However, for any vessel fishing for <i>Dissostichus</i> spp. which meets the required tagging rate, the minimum tag overlap statistic of 60% shall not apply for a species of <i>Dissostichus</i> for which less than 30 fish have been tagged.</p> <p>CM 41-09, paragraph 13 states the tagging rate as 1 fish per tonne green weight caught in each SSRU.</p> <p>The Spanish-flagged Tronio achieved a tagging overlap statistic of 55.35 % in Subarea 88.1 SSRU I.</p>	<p>Response submitted to the Secretariat by the European Union (EU) via email:</p> <p>Currently under investigation. We intend to provide an update at the SCIC meeting.</p>	Minor non-compliant (Level 1)	See paragraph 104
Ukraine	<i>Marigolds</i>	<p>CM 41-01, Annex C, paragraph 2 (iii), states that each vessel shall achieve a minimum tag-overlap statistic of 60% for each species of <i>Dissostichus</i>. However, for any vessel fishing for <i>Dissostichus</i> spp. which meets the required tagging rate, the minimum tag overlap statistic of 60% shall not apply for a species of <i>Dissostichus</i> for which less than 30 fish have been tagged.</p> <p>CM 41-10, paragraph 13 states the tagging rate as 3 fish per tonne green weight caught in 88.2 SSRUs C-G combined.</p> <p>The Ukrainian-flagged Marigolds achieved a tagging overlap statistic of 55.89 % in Subarea 88.2 SSRUs C-G combined.</p>	<p>FV MARIGOLDS didn't achieve the minimum tag overlap statistic in area 88.2 SSRUs C-G due to the low catches and heavy ice situation. These reasons were leading to problems with fish of the necessary size selection for the tagging procedure.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Compliant	See paragraph 104
Spain	<i>Tronio</i>	<p>CM 41-01, Annex C, paragraph 4, states that all tag data shall be reported in the</p>	<p>Response submitted to the Secretariat by the European Union (EU) via email:</p>	Minor non-compliant (Level 1)	See paragraph 105

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<p>vessel's monthly fine-scale catch and effort data (C2) and by the observer. CM 41-01, Annex C, paragraph 1, explicitly states that this is a Flag state responsibility.</p> <p>Tag numbers A607276 and A607277 were recovered by the Tronio on haul number 169 on 10 April 2022 and reported with the observer data. The C2 form (02 April 2022 - 15 April 2022) which covers the date of tag retrieval does not record this tagging retrieval information and the C2 form (28 Feb 2021 - 01 April 2021) which covers the date range that the tag number sequence to which this originated from does not contain these tags deployment information.</p> <p>The vessel did not report the deployment of tags or retrieval of the tags in the vessel's monthly fine-scale catch and effort data (C2).</p>	<p>The missing information was due to an administrative oversight. It was submitted to the Secretariat on 7 September.</p> <p>Preliminary Status: No compliance status assigned</p>
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CM 41-09

<p>Australia</p>	<p><i>Antarctic Aurora</i></p>	<p>CM 41-09, paragraph 13, states Toothfish shall be tagged at a rate of at least one fish per tonne green weight caught in each SSRU.</p> <p>The Antarctic Aurora achieved a tagging rate of 0.9 fish per tonne of green weight caught in SSRU 88.1 H. The vessel caught 68.8 tonne of <i>Dissostichus mawsonii</i> (2 248 individuals) and tagged 64.</p>	<p>The tool developed for observers to determine the toothfish tagging rate and overlap statistic was modified and contained an error, resulting in the miscalculation of the tagging rate for SSRU 88.1 H. The tagging rate was met or exceeded the requirement overall but did not meet the requirement in SSRU H.</p> <p>The tool used by observers to calculate the tagging rate while at sea has now been corrected, and the instructions to observers have been revised to ensure that the required tagging rate within each SSRU is met.</p> <p>Further Action:</p>	<p>Minor non-compliant (Level 1)</p>	<p>See paragraph 107</p>
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			No further action		
			Preliminary Status: Minor non-compliant (Level 1)		
New Zealand	<i>Janas</i>	<p>CM 41-09, paragraph 13, states Toothfish shall be tagged at a rate of at least one fish per tonne green weight caught in each SSRU.</p> <p>The Janas achieved a tagging rate of 0.7 fish per tonne of green weight caught in SSRU 88.1 I. The vessel caught 29.8 tonne of <i>Dissostichus mawsonii</i> (842 individuals) and tagged 21.</p>	<p>Investigation has confirmed that the tagging rate achieved by the Janas while fishing in SSRU I did not meet the requirements under CM 41-09 paragraph 13. The vessel operator reported that the failure to achieve the required tagging rate was due the use of a tag overlap and ratio spreadsheet that included an error in the calculations.</p> <p>The vessel complied with the tagging rate in all other areas and the overall tagging rate for the season was 1.03</p> <p>The New Zealand Ministry for Primary Industries, through its permitting regime, now requires additional reporting to New Zealand authorities by all New Zealand flagged vessels to ensure that no further breaches of tagging requirements under CM 41-09 will occur.</p> <p>Following the investigation, the Owner of the vessel was sent an official warning letter by the Ministry for Primary Industries. This warning letter will remain on the Company's compliance record held by the Ministry for Primary Industries.</p> <p>Further Action: No further action required.</p>	Minor non-compliant (Level 1)	See paragraph 107
			Preliminary Status: Minor non-compliant (Level 1)		
New Zealand	<i>San Aspiring</i>	<p>CM 41-09, paragraph 13, states Toothfish shall be tagged at a rate of at least one fish per tonne green weight caught in each SSRU.</p> <p>The San Aspiring achieved a tagging rate of 0.9 fish per tonne of green weight caught</p>	<p>Investigation has confirmed that the tagging rate achieved by the San Aspiring while fishing in SSRU H did not meet the requirements under CM 41-09, paragraph 13. The operator of the vessel has reported that the error was using a tag ratio calculator that calculated by sub-area but not by SSRU. The vessels overall tagging rate for the season was 1.03.</p>	Minor non-compliant (Level 1)	See paragraph 107

in SSRU 88.1 H. The vessel caught 113.1 tonne of *Dissostichus mawsonii* (3 912 individuals) and tagged 107.

The New Zealand Ministry for Primary Industries, through its permitting regime, now requires additional reporting to New Zealand authorities by all New Zealand flagged vessels to ensure that no further breaches of tagging requirements under CM 41-09 will occur.

Following the investigation, the Owner of the vessel was sent an official warning letter by the Ministry for Primary Industries. This warning letter will remain on the Company's compliance record held by the Ministry for Primary Industries.

Further Action:
No further action required

Preliminary Status: Minor non-compliant (Level 1)

Ukraine	<i>Calipso</i>	<p>CM 41-09, paragraph 13, states Toothfish shall be tagged at a rate of at least one fish per tonne green weight caught in each SSRU.</p>	<p>It is well known and widely discussed in the past that the vessel is reasonably restricted in its ability to observe all the tagging requirements when fishing in SSRUs where the catch is relatively low. This is followed by an exemption from the general tagging overlap requirement, stated in paragraph 2 (iii) Annex 41-01/C, which is not applicable to a minimum tagging rate requirement but is guided by the same reason.</p> <p>FV CALIPSO failed to tag and release a minimum required number of fish in SSRU 88.1 J because there was a lack of TOA specimens caught in a suitable for tag and release purpose in accordance with paragraph 2 (ii) Annex 41-01/C.</p>	Compliant	No further action required
		<p>The Calipso achieved a tagging rate of 0.0 fish per tonne of green weight caught in SSRU 88.1 J. The vessel caught 0.5 tonne of <i>Dissostichus mawsonii</i> (24 individuals) and tagged 0.</p>	<p>It would be important to note that the vessel's stay in SSRU J is from 16:18 to 16:43 (25 minutes), as it has been reported to the CCAMLR Secretariat. The fact that the majority of longlines 54 and 55 were set in SSRU H and the hauls of these longlines were taken entirely in SSRU H explains the lack of toothfish</p>		

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			tagging statistics in SSRU J. No line hauls were taken in SSRU J.		
			Preliminary Status: Compliant		
Ukraine	<i>Calipso</i>	<p>CM 41-09, paragraph 13, states Toothfish shall be tagged at a rate of at least one fish per tonne green weight caught in each SSRU.</p> <p>The Calipso achieved a tagging rate of 0.9 fish per tonne of green weight caught in SSRU 88.1 H. The vessel caught 9.1 tonne of <i>Dissostichus mawsonii</i> (330 individuals) and tagged 8.</p>	<p>It is well known and widely discussed in the past that the vessel is reasonably restricted in its ability to observe all the tagging requirements when fishing in SSRUs where the catch is relatively low. This is followed by an exemption from the general tagging overlap requirement, stated in paragraph 2 (iii) Annex 41-01/C, which is not applicable to a minimum tagging rate requirement but is guided by the same reason.</p> <p>FV CALIPSO failed to tag and release a minimum required number of fish in SSRU 88.1 H because there was a lack of TOA specimens caught in a suitable for tag and release purpose in accordance with paragraph 2 (ii) Annex 41-01/C.</p> <p>Besides, statistics for SSRUs I and H were aggregated according to measures 41-09 of subparagraph 2(ii), having a total catch limit in the 2021/22 season of 2307 tones. The total catch of the vessel in this regulated area was 86054.35 kg, fish tagged 88, tagging rate 1.023, tag overlap 74.9%.</p>	Compliant	No further action required
			Preliminary Status: Compliant		
United Kingdom	<i>Argos Helena</i>	<p>CM 41-09, paragraph 6, 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 41-09, paragraph 6, also states for this measure 'Macrourus spp.' should be counted as a single species.</p>	<p>The UK investigated this potential infringement.</p> <p>The UK accessed data from the video-based electronic monitoring system which provides independent fisheries monitoring integrating GPS positional data, vessel speed, heading, sensor activity and video (when fishing or during tori line activities) captured continuously at 10 second intervals. The period reviewed was 11 -16 December 2021, chosen based on the end time of the haul triggering this rule and the subsequent 5 day 'move on' rule set out in CM 41-09.</p>	Compliant	No further action required

One nautical mile is equivalent to 1 852 meters. Five nautical miles is equivalent to 9 260 meters.

The Argos Helena in Subarea 88.1 reported that line number 13 had a total bycatch of 1.32 t of *Macrourus* spp. with a completed hauling time of 11/12/2021 1032 UTC. The distance to the next closest line set (line number 25 on 14/12/2021 0107 UTC) was calculated to be 9 025 meters (4.9 nautical miles).

Attached to this record is additional data on the calculation of distance and a graphical representation.

Figure 1 shows the data from the EM system, which clearly shows the line set is close to, but does not enter, the 5nm buffer zone in the 5 days following the move on rule.

Further Action:
Vessels have been instructed to add an additional half nautical mile to the 5 nm buffer to allow for line drift.

Preliminary Status: Compliant

United Kingdom *Argos Georgia*

CM 41-09, paragraph 6, 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.

CM 41-09, paragraph 6, also states for this measure '*Macrourus* spp.' 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.

The Argos Georgia in Subarea 88.1 reported that line number 31 had a total bycatch of 1.26 t of *Macrourus* spp. with a completed hauling time of 22/12/2021 1412 UTC

The distance to the next closest line set (line number 36 on 22/12/2021 1523 UTC)

The UK investigated this potential infringement.

The UK accessed data from the video-based electronic monitoring system which provides independent fisheries monitoring integrating GPS positional data, vessel speed, heading, sensor activity and video (when fishing or during tori line activities) captured continuously at 10 second intervals. The period reviewed was 22 -27 December 2021, chosen based on the end time of the haul triggering this rule and the subsequent 5 day 'move on' rule set out in CM 41-09. Figure 1 shows the data from the EM system.

As shown in Figure 1, the line in question was set at 5nm from the point activating the move on rule. However, Figure 2 shows the line appears to drift into the buffer zone on setting, with 2.36nm of the 3.43nm line with a maximum distance of 0.11 nm (200m) within the buffer zone.

Further Action:

Minor non-compliant (Level 1)

No further action required

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		<p>was calculated to be 9 114 meters (4.9 nautical miles).</p> <p>Attached to this record is additional data on the calculation of distance and a graphical representation.</p>	<p>Vessels have been instructed to add an additional half nautical mile to the 5 nm buffer to allow for line drift.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>		
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>A movement notification for the Tronio was provided on 07 Jan 2022 0833 UTC which confirmed entry into RSR MPA GPZ i on 07 Jan 2022 0816 UTC.</p> <p>Time difference: 17 min after entry</p>	<p>Response submitted to the Secretariat by the European Union (EU) via email:</p> <p>Currently under investigation. We intend to provide an update at the SCIC meeting.</p>	Minor non-compliant (Level 1)	No further action required
Uruguay	<i>Ocean Azul</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>A movement notification for the Ocean Azul was provided on 26 Dec 2021 2326 UTC which confirmed entry into RSR MPA GPZ i on 26 Dec 2021 1940 UTC.</p> <p>Time difference: 3 hours 46 min after entry</p>	<p>El barco notificó el ingreso a la AMP en tránsito, después que se hizo efectivo el mismo. Debe considerarse que en esas fechas, hubo interrupción en la transmisión de los datos VMS por dificultad en las comunicaciones.</p> <p>The vessel notified entry in the MPA in transit after the event had happened. It should be taken into consideration that in those dates there were interruptions in the transmission of VMS data because of issues with communications.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>	Minor non-compliant (Level 1)	No further action required

Non-Contracting Party IUU Vessel List 2022/23

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

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

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Vessel name	Flag	IMO Number	Call sign	Nature and date of activity(ies)	Year listed	Ownership history
<i>Heavy Sea</i>		7322926	3ENF8	<ul style="list-style-type: none"> • Sighted 58.5.1 (03 Feb 2004) • Fishing 57 (29 Jul 2005) 	2004	<ul style="list-style-type: none"> • C & S Fisheries S.A. • Muner S.A. • Meteroros Shipping • Meteora Shipping Inc. • Barroso Fish S.A.
<i>Jinzhang</i>		6607666	PQBT	<ul style="list-style-type: none"> • Fishing 58.4.3b (23 May 2006) • Fishing 58.4.2 (18 Feb 2007) • Fishing 58.4.3b (24 Mar 2007) • Fishing 58.4.3b (12 Jan 2008) • Fishing 58.4.3b (09 Jan 2009) • Fishing 58.4.3b (20 Jan 2009) 	2006	<ul style="list-style-type: none"> • Arniston Fish Processors Pty Ltd • Nalanza S.A. • Vidal Armadores S.A. • Argibay Perez J.A. • Belfast Global S.A. • Eterna Ship Management
<i>Koosha 4</i>	Iran, Islamic Republic of	7905443	9BQK	<ul style="list-style-type: none"> • Sighted 58.4.1 (20 Jan 2011) • Sighted 58.4.1 (15 Feb 2011) 	2011	<ul style="list-style-type: none"> • Pars Paya Seyd Industrial Fish
<i>Limpopo</i>		7388267		<ul style="list-style-type: none"> • Fishing 58.5.2 (21 Sep 2003) • Sighted 58.5.1 (03 Dec 2003) • Fishing 58.4.3b (23 Feb 2005) • Fishing 58.4.3b (14 Dec 2005) • Sighted 58.4.3b (25 Jan 2007) 	2003	<ul style="list-style-type: none"> • Grupo Oya Perez (Kang Brothers) • Lena Enterprises Ltd • Alos Company Ghana Ltd
<i>Nika</i>		8808654		<ul style="list-style-type: none"> • Fishing without authorisation (08 Jun 2019) 	2020	<ul style="list-style-type: none"> • Jiho Shipping Ltd
<i>Northern Warrior</i>	Angola	8808903	PJSA	<ul style="list-style-type: none"> • Supporting IUU-listed vessels 	2016	<ul style="list-style-type: none"> • SIP • Areapesca SA • Snoek Wholesalers • Southern Trading Group • South Atlantic Fishing NV • World Ocean Fishing SL • Orkiz Agro-Pecuaria, Pescas, Transportes E Comercio Geral, Ltda

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

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

PRELIMINARY

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>						