

**CONSERVATION MEASURE 10-06 (2004)**  
**Scheme to promote compliance by Contracting Party vessels**  
**with CCAMLR conservation measures**

Species	all
Area	all
Season	all
Gear	all

The Commission,

Convinced that illegal, unregulated and unreported (IUU) fishing compromises the primary objectives of the Convention,

Aware that a significant number of vessels registered to Parties and non-Parties are engaged in fishing operations in the Convention Area in a manner which diminishes the effectiveness of CCAMLR conservation measures,

Recalling that Parties are required to cooperate in taking appropriate action to deter any fishing activities which are not consistent with the objective of the Convention,

Resolved to reinforce its integrated administrative and political measures aimed at eliminating IUU fishing in the Convention Area,

hereby adopts the following conservation measure in accordance with Article IX.2(i) of the Convention:

1. At each annual meeting, the Commission will identify those Contracting Parties whose vessels have engaged in fishing activities in the Convention Area in a manner which has diminished the effectiveness of CCAMLR conservation measures in force, and shall establish a list of such vessels (IUU Vessel List), in accordance with the procedures and criteria set out hereafter.
2. This identification shall be documented, *inter alia*, on reports relating to the application of Conservation Measure 10-03, trade information obtained on the basis of the implementation of Conservation Measure 10-05 and relevant trade statistics such as FAO and other national or international verifiable statistics, as well as any other information obtained from Port States and/or gathered from the fishing grounds which is suitably documented.
3. Where a Contracting Party obtains information that vessels flying the flag of another Contracting Party have engaged in activities set out in paragraph 5, it shall submit a report containing this information, within 30 days of having become aware of it, to the Executive Secretary and the Contracting Party concerned. Contracting Parties shall indicate that the information is provided for the purposes of Conservation Measure 10-06.
4. For the purposes of this conservation measure, the Contracting Parties are considered as having carried out fishing activities that have diminished the effectiveness of the conservation measures adopted by the Commission if:
  - (i) the Parties do not ensure compliance by their vessels with the conservation measures adopted by the Commission and in force, in respect of the fisheries in which they participate that are placed under the competence of CCAMLR;
  - (ii) their vessels are repeatedly included in the IUU Vessel List.

5. In order to establish the IUU Vessel List, evidence, gathered in accordance with paragraphs 2 and 3, shall be required that vessels flying the flag of the Contracting Party concerned have:
  - (i) engaged in fishing activities in the CCAMLR Convention Area without a licence issued in accordance with Conservation Measure 10-02, or in violation of the conditions under which such licence would have been issued in relation to authorised areas, species and time periods; or
  - (ii) did not record or did not declare their catches made in the CCAMLR Convention Area in accordance with the reporting system applicable to the fisheries they engaged in, or made false declarations; or
  - (iii) fished during closed fishing periods or in closed areas in contravention of CCAMLR conservation measures; or
  - (iv) used prohibited gear in contravention of applicable CCAMLR conservation measures; or
  - (v) transhipped or participated in joint fishing operations with, supported or re-supplied other vessels identified by CCAMLR as carrying out IUU fishing activities (i.e. on the IUU Vessel List or in Conservation Measure 10-07); or
  - (vi) engaged in fishing activities in a manner that undermines the attainment of the objectives of the Convention in waters adjacent to islands within the area to which the Convention applies over which the existence of State sovereignty is recognised by all Contracting Parties, in the terms of the statement made by the Chairman on 19 May 1980; or
  - (vii) engaged in fishing activities contrary to any other CCAMLR conservation measures in a manner that undermines the attainment of the objectives of the Convention according to Article XXII of the Convention.
6. The draft IUU Vessel List, Provisional IUU Vessel List, Proposed IUU Vessel List and the IUU Vessel List shall contain the following details:
  - (i) name of vessel and previous names, if any, during the preceding calendar year;
  - (ii) flag of vessel and previous flags, if any, during the preceding calendar year;
  - (iii) owner of vessel and previous owners, if any, during the preceding calendar year;
  - (iv) operator of vessel and previous operators, if any, during the preceding calendar year;
  - (v) call sign of vessel and previous call signs, if any, during the preceding calendar year;
  - (vi) Lloyds/IMO number;
  - (vii) photographs of the vessel, where available;

- (viii) summary of activities which justify inclusion of the vessel on the List, together with references to all relevant documents informing of and evidencing those activities.
7. The Executive Secretary shall, before 1 July of each year, draw up a draft list of Contracting Party vessels that, on the basis of the information gathered in accordance with paragraphs 2 and 3, for the period beginning 30 days before the start of the previous CCAMLR annual meeting, the criteria defined in paragraph 4, and any other information that the Secretariat might have obtained in relation thereto, might be presumed to have carried out IUU fishing activities in the CCAMLR Convention Area. The Draft IUU Vessel List shall be distributed immediately to the Contracting Parties concerned.
  8. Contracting Parties whose vessels are included in the Draft IUU Vessel List will transmit before 1 September to CCAMLR, their comments, as appropriate, including verifiable VMS data and other supporting information showing that the vessels listed have neither engaged in fishing activities in contravention of CCAMLR conservation measures nor had the possibility of being engaged in fishing activities in the Convention Area.
  9. On the basis of the information received pursuant to paragraph 8, the Executive Secretary shall distribute the Draft IUU Vessel List and all comments received as a Provisional IUU Vessel List, which shall be transmitted before 1 October to all Contracting Parties and non-Contracting Parties cooperating with the Commission by participating in the Catch Documentation Scheme for *Dissostichus* spp. (CDS), together with the IUU Vessel List agreed at the previous CCAMLR annual meeting, and any evidence or documented information received since that meeting regarding vessels on the Provisional IUU Vessel List or IUU Vessel List.
  10. Contracting Parties shall submit to the Executive Secretary any additional information which might be relevant for the establishment of the IUU Vessel List within 30 days of having become aware of such information and at the latest 30 days before the start of the CCAMLR meeting. A report containing this information shall be submitted in the format set out in paragraph 6, and Contracting Parties shall indicate that the information is provided for the purposes of Conservation Measure 10-06. The Secretariat shall collate all information received and, where this has not been provided in relation to a vessel, attempt to obtain the information in paragraphs 6(i) to (vii).
  11. The Executive Secretary shall invite non-Contracting Parties cooperating with the Commission by participating in the CDS to submit any evidence or documented information regarding vessels on the Provisional IUU Vessel List and IUU Vessel List.
  12. The Executive Secretary shall circulate to Contracting Parties, at the latest 30 days before the start of the CCAMLR annual meeting, all evidence or documented information received under paragraphs 10 and 11, together with any other evidence or documented information received in terms of paragraphs 2 and 3.
  13. At each CCAMLR annual meeting, the Standing Committee on Implementation and Compliance (SCIC) shall, by consensus:

- (i) adopt a Proposed IUU Vessel List, following consideration of the Provisional IUU Vessel List and information and evidence circulated under paragraph 12. The Proposed IUU Vessel List shall be submitted to the Commission for approval;
  - (ii) recommend to the Commission which, if any, vessels should be removed from the IUU Vessel List adopted at the previous CCAMLR annual meeting, following consideration of that List and information and evidence circulated under paragraph 12.
- 14. SCIC shall include vessels on the Proposed IUU Vessel List only if one or more of the criteria in paragraph 5 have been satisfied.
- 15. SCIC shall recommend that the Commission should remove vessels from the IUU Vessel List if the Contracting Party proves that:
  - (i) the vessel did not take part in IUU fishing activities described in paragraph 1; or
  - (ii) it has taken effective action in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity; or
  - (iii) the vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it and that the new owner has not participated in IUU fishing; or
  - (iv) the Contracting Party has taken measures considered sufficient to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing.
- 16. In order to facilitate the work of SCIC and the Commission, the Secretariat shall prepare a paper for each CCAMLR annual meeting, summarising and annexing all the information, evidence and comments submitted in respect of each vessel to be considered.
- 17. On approval of the IUU Vessel List, the Commission shall request Contracting Parties whose vessels appear thereon to take all necessary measures to address these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels, the nullification of the relevant catch documents and denial of further access to the CDS, and to inform the Commission of the measures taken in this respect.
- 18. Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that:
  - (i) the issuance of a licence to vessels appearing in the IUU Vessel List to fish in the Convention Area is prohibited;
  - (ii) the issuance of a licence to vessels included in the IUU Vessel List to fish in waters under their fisheries jurisdiction is prohibited;

- (iii) fishing vessels, support vessels, mother-ships and cargo vessels flying their flag do not participate in any transshipment or joint fishing operations, support or re-supply vessels registered on the IUU Vessel List;
  - (iv) vessels appearing in the IUU Vessel List that enter ports voluntarily are not authorised to land or tranship therein and are inspected in accordance with Conservation Measure 10-03 on so entering;
  - (v) the chartering of vessels included in the IUU Vessel List is prohibited;
  - (vi) granting of their flag to vessels appearing in the IUU Vessel List is refused;
  - (vii) imports of *Dissostichus* spp. from vessels included in the IUU Vessel List are prohibited;
  - (viii) 'Export or Re-export Government Authority Validation' is not certified when the shipment (of *Dissostichus* spp.) is declared to have been caught by any vessel included in the IUU Vessel List;
  - (ix) importers, transporters and other sectors concerned, are encouraged to refrain from negotiating and from transshipping of fish caught by vessels appearing in the IUU Vessel List;
  - (x) any appropriate information which is suitably documented is collected and exchanged with other Contracting Parties or cooperating non-Contracting Parties, entities or fishing entities with the aim of detecting, controlling and preventing the use of false import/export certificates regarding fish from vessels appearing in the IUU Vessel List;
  - (xi) they do not register or de-register vessels that have been placed on the Provisional IUU List until such time as the Commission has had the opportunity to examine the List and has made its determination;
  - (xii) they inform, where possible, the proposed new flag State of the vessel that the vessel is on the Provisional IUU List and urge that State not to register the vessel.
19. The Executive Secretary shall place the IUU Vessel List approved by the Commission on the CCAMLR website. Furthermore, the Executive Secretary shall communicate the IUU Vessel List to the Food and Agriculture Organization (FAO) and appropriate regional fisheries management organisations to enhance cooperation between CCAMLR and these organisations for the purposes of preventing, deterring and eliminating IUU fishing.
20. If Contracting Parties obtain new or changed information for vessels on the IUU Vessel List in relation to the details in paragraphs 6(i) to (vii), they shall notify the Executive Secretary who shall place a notification on the secure section of the CCAMLR website. If there are no comments on the information within seven (7) days, the Secretariat will revise the IUU Vessel List.
21. Without prejudice to the rights of Flag States and Coastal States to take proper action consistent with international law, Contracting Parties should not take any trade measures or other sanctions which are inconsistent with their international obligations

against vessels using as the basis for the action the fact that the vessel or vessels have been included in the draft list drawn up by the Secretariat, pursuant to paragraph 7.

22. The Chair of the Commission shall request the Contracting Parties identified pursuant to paragraph 1 to take all necessary measures to avoid diminishing the effectiveness of the CCAMLR conservation measures resulting from their vessels' activities, and to advise the Commission of actions taken in that regard.
23. The Commission shall review, at subsequent annual meetings, as appropriate, action taken by those Contracting Parties to which requests have been made pursuant to paragraph 22, and identify those which have not rectified their fishing activities.
24. The Commission shall decide appropriate measures to be taken in respect to *Dissostichus* spp. so as to address these issues with those identified Contracting Parties. In this respect, Contracting Parties may cooperate to adopt appropriate multilaterally agreed trade-related measures, consistent with the World Trade Organization (WTO), that may be necessary to prevent, deter and eliminate the IUU fishing activities identified by the Commission. Multilateral trade-related measures may be used to support cooperative efforts to ensure that trade in *Dissostichus* spp. and its products does not in any way encourage IUU fishing or otherwise undermine the effectiveness of CCAMLR's conservation measures which are consistent with the United Nations Convention on the Law of the Sea 1982.
25. The Secretariat shall circulate to non-Contracting Parties cooperating with the Commission by participating in the CDS:
  - (i) the Provisional IUU List, together with the request that, to the extent possible in accordance with their applicable laws and regulations, they do not register, or de-register vessels that have been placed on the list until such time as the Commission has had the opportunity to examine the Provisional IUU Vessel List and has made its determination;
  - (ii) the IUU Vessel List, together with the request, to the extent possible in accordance with their applicable laws and regulations, that they do not register vessels that have been placed on the List unless they are removed from the List by the Commission.