

CONSERVATION MEASURE 10-10 (2014)
CCAMLR Compliance Evaluation Procedure

Species	all
Area	all
Season	all
Gear	all

The Commission,

Recalling that the Commission has adopted a wide range of conservation measures to give effect to the objective of the Convention,

Noting Article XXI of the Convention which requires Contracting Parties to take appropriate measures within their competence to ensure compliance with the provisions of the Convention and with conservation measures adopted by the Commission,

Noting that, in accordance with Article X of the Convention, the Commission has undertaken to draw the attention of all Contracting Parties to any activity which, in the opinion of the Commission, affects the implementation by a Contracting Party of the objective of the Convention or the compliance by that Contracting Party with its obligations under the Convention,

Noting also that, in accordance with international law, as well as Conservation Measures 10-06 and 10-08, Contracting Parties have responsibilities to exercise effective control over their flagged vessels and with respect to their nationals,

Noting further that, in a responsible, open, transparent and non-discriminatory manner, the Commission should be made aware of all available information that may be relevant to the work of the Commission in identifying and addressing instances of non-compliance with conservation measures,

Recalling the obligation of Contracting Parties to notify and inform the Secretariat of possible instances of non-compliance and to respond to such instances in accordance with the requirements of existing conservation measures,

hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. Draft CCAMLR Compliance Reports

- (i) The Secretariat shall compile a Draft CCAMLR Compliance Report using the template in Annex 10-10/A for each Contracting Party for whom there is a relevant compliance issue. The Draft CCAMLR Compliance Report will cover the period 1 August–31 July of the following year. In compiling Draft CCAMLR Compliance Reports, the Secretariat shall take into account appropriate compliance data holdings, as well as data from other relevant sources.
- (ii) The Secretariat shall circulate to each Contracting Party its respective Draft CCAMLR Compliance Report no later than 75 days before the annual Commission meeting.
- (iii) In considering its Draft CCAMLR Compliance Report, each Contracting Party shall provide in the 'Additional Information' column in Annex 10-10/A, detailed

information relevant to the compliance issues raised in its report, so that the Standing Committee on Implementation and Compliance (SCIC) may fully evaluate each compliance issue. This may include, but is not limited to, any relevant documentary or photographic evidence demonstrating implementation of relevant conservation measures and/or specific actions taken to address any non-compliance.

- (iv) Each Contracting Party shall return its Draft CCAMLRL Compliance Report incorporating any additional information to the Secretariat no later than 45 days before the annual Commission meeting. Where no response is received from a Contracting Party under paragraph 1(iii), the Secretariat shall note nil response in the relevant Draft CCAMLRL Compliance Report.

2. Summary CCAMLRL Compliance Report

- (i) The Secretariat shall prepare a Summary CCAMLRL Compliance Report based on the Draft CCAMLRL Compliance Reports. This report shall include, *inter alia*, a summary of Contracting Parties' implementation of conservation measures. The Draft CCAMLRL Compliance Reports shall be annexed to the Summary CCAMLRL Compliance Report.
- (ii) The Summary CCAMLRL Compliance Report shall be made available on the secure CCAMLRL website for consideration no later than 42 days before the annual Commission meeting. As soon as practicable after posting the Summary CCAMLRL Compliance Report, the Secretariat shall notify Contracting Parties of its availability.

3. Provisional CCAMLRL Compliance Report

- (i) At its annual meeting, SCIC shall consider the Summary CCAMLRL Compliance Report, taking into account any additional information received, including in accordance with paragraph 1(iii).
- (ii) In considering the Summary CCAMLRL Compliance Report, SCIC may request any Contracting Parties who have relevant information to provide further additional details, so that SCIC may fully evaluate each compliance issue. This information may include, but is not limited to, any relevant documentary or photographic evidence.
- (iii) On the basis of the information considered in paragraph 3(i), SCIC shall adopt an annual Provisional CCAMLRL Compliance Report by consensus, in which it shall record its findings of non-compliance. The Provisional CCAMLRL Compliance Report shall include an assessment of compliance status, in accordance with Annex 10-10/B, 'Compliance Status Categories'. The Provisional CCAMLRL Compliance Report shall also include recommendations to the Commission regarding:
 - (a) any remedial action taken, or proposed to be taken, by the Contracting Party;
 - (b) where appropriate, proposals to amend existing conservation measures;

- (c) priority obligations to be monitored and reviewed; and
- (d) other responsive action which may be considered by the Commission, as appropriate.

4. CCAMLRL Compliance Report

- (i) At its annual meeting, the Commission shall consider the Provisional CCAMLRL Compliance Report.
- (ii) The annual CCAMLRL Compliance Report will outline the Commission's response to the recommendations of SCIC in the Provisional CCAMLRL Compliance Report.

5. Review of Conservation Measure 10-10

- (i) At its annual meeting, SCIC will consider the effectiveness of this conservation measure in evaluating and addressing non-compliance, and will report to the Commission on its findings and recommendations for improving this conservation measure.

TEMPLATE FOR CCAMLR COMPLIANCE REPORTS
DRAFT CCAMLR COMPLIANCE REPORT FOR 1 AUGUST [YEAR] TO 31 JULY [YEAR]
[CONTRACTING PARTY]

Conservation measure	Conservation measure implementation ¹ (description of what Secretariat records show with respect to implementation of conservation measure, including history) [To be completed by Secretariat]	Additional information (including, but not limited to, further documentary or photographic evidence demonstrating on the implementation of conservation measures, specific actions taken/to be taken and expected time frame to effectively address possible non-compliance) [To be completed by Contracting Party]	SCIC comments/ compliance status/ recommended action(s) [To be completed by SCIC]
10-01 Marking of fishing vessels and fishing gear			
10-02 Licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area			
10-03 Port inspections of vessels carrying toothfish			
10-04 Automated satellite-linked Vessel Monitoring Systems (VMS)			
10-09 Notification system for transshipments within the Convention Area			

¹ 'Not applicable' should be used where a conservation measure does not apply to a Contracting Party.

Conservation measure	Conservation measure implementation (description of what Secretariat records show with respect to implementation of conservation measure, including history) [To be completed by Secretariat]	Additional information (including, but not limited to, further documentary or photographic evidence demonstrating the implementation of conservation measures, specific actions taken/to be taken and expected time frame to effectively address possible non-compliance) [To be completed by Contracting Party]	SCIC comments/ compliance status/ recommended action(s) [To be completed by SCIC]
23-06 Data reporting system for <i>Euphausia superba</i> fisheries			
23-07 Daily Catch and Effort Reporting System for Exploratory Fisheries, with the exception of exploratory krill fisheries			
24-02 Longline weighting for seabird conservation			
25-02 Minimisation of the incidental mortality of seabirds in the course of longline fishing or longline fishing research in the Convention Area			
25-03 Minimisation of the incidental mortality of seabirds and marine mammals in the course of trawl fishing in the Convention Area			

Conservation measure	Conservation measure implementation (description of what Secretariat records show with respect to implementation of conservation measure, including history) [To be completed by Secretariat]	Additional information (including, but not limited to, further documentary or photographic evidence demonstrating the implementation of conservation measures, specific actions taken/to be taken and expected timeframe to effectively address possible non-compliance) [To be completed by Contracting Party]	SCIC comments/ compliance status/ recommended action(s) [To be completed by SCIC]
26-01 General environmental protection during fishing			
31-02 General measure for the closure of all fisheries			
41-01 General measures for exploratory fisheries for <i>Dissostichus</i> spp. in the Convention Area			

COMPLIANCE STATUS CATEGORIES

Compliance status¹	Criteria	Suggested action
Compliant	Contracting Party fully compliant with obligations	No action required
Partially compliant	Minor infringements evident	Identify non-compliance of a technical or minor nature, or which requires the provision of further actions Identify actions and time frames on matters including amendment to procedures and, in the case of a Contracting Party that requires additional capacity, request technical and capacity-building assistance Resolve implementation gap or misunderstanding If necessary, review conservation measure to address any technical impediments to implementation
Additional information required	Where there exists no/insufficient information for verification Insufficient, unclear or incorrect data Ambiguity or misunderstanding of relevant obligation	Review by SCIC and the Commission and seek further information and action(s) by Contracting Party If necessary, review conservation measure to address any technical impediments to implementation
Non-compliant	Non-compliance with conservation measures of CCAML R	Review by SCIC and Commission and recommend further action(s) by Contracting Party
Seriously, frequently or persistently non-compliant	Serious, frequent or persistent non-compliance in relation to breaches of conservation measures which undermines the objectives of CCAML R	Review by SCIC and the Commission and recommend further action(s) by Commission

¹ For the purposes of this conservation measure, 'compliance status' refers to Contracting Parties' compliance with the conservation measures listed in Annex 10-10/A and takes account of Contracting Parties' responses and corrective actions to address compliance issues identified.