

CONSERVATION MEASURE 10-10 (2016)
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,

Recalling further that in accordance with Article XXIV of the Convention the Commission has adopted the Scheme of International Scientific Observation,

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,

Noting further that in order to maintain the objectivity and scientific integrity of the data, the vessels on which scientific observers are deployed and the scientific observers themselves shall uphold and promote the provisions of Part D of the Scheme of International Scientific Observation,

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 where there is an issue identified in the implementation of any conservation measure contained in the *Schedule of Conservation Measures in Force* and Part D of the Scheme of International Scientific Observation. The Draft CCAMLR Compliance Report will

cover the period from 1 August to 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. This may include, but is not limited to, any relevant documentary or photographic evidence demonstrating implementation of any conservation measure contained in the *Schedule of Conservation Measures in Force* and Part D of the Scheme of International Scientific Observation or specific actions taken to address any non-compliance. In the 'Additional Information' column, the concerned Contracting Party should also suggest a preliminary compliance status for each compliance issue from Annex 10-10/B, and indicate whether any further action is planned.
- (iv) Each Contracting Party shall return its Draft CCAMLR Compliance Report incorporating any additional information and suggested compliance status for each compliance issue 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 CCAMLR Compliance Report.

2. Summary CCAMLR Compliance Report

- (i) The Secretariat shall prepare a Summary CCAMLR Compliance Report based on the Draft CCAMLR Compliance Reports. This report shall include, *inter alia*, a summary of Contracting Parties' implementation of any conservation measure contained in the *Schedule of Conservation Measures in Force* and Part D of the Scheme of International Scientific Observation, Contracting Parties' suggested preliminary compliance status and details of whether any further action is planned. The Draft CCAMLR Compliance Reports shall be annexed to the Summary CCAMLR Compliance Report.
- (ii) The Summary CCAMLR Compliance Report shall be made available on the secure CCAMLR website for consideration no later than 42 days before the annual Commission meeting. As soon as practicable after posting the Summary CCAMLR Compliance Report, the Secretariat shall notify Contracting Parties of its availability.

3. Provisional CCAMLR Compliance Report

- (i) At its annual meeting, SCIC shall consider the Summary CCAMLR Compliance Report, taking into account information received, including pursuant to paragraph 1(iii). SCIC will also consider the circumstances relating to any nil response.

- (ii) In considering the Summary CCAMLR Compliance Report, SCIC may request any Contracting Parties that 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 CCAMLR Compliance Report by consensus, in which it shall record its findings of non-compliance. The Provisional CCAMLR Compliance Report shall include an assessment of compliance status, in accordance with Annex 10-10/B, 'Compliance Status Categories'. The Provisional CCAMLR 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.
- (iv) If any Contracting Party requests additional time for submitting further information to SCIC for a specific case included in a summary CCAMLR compliance report, SCIC shall record a compliance status for that case in the provisional CCAMLR Compliance Report based on the information available. At its next annual meeting, SCIC shall review any further information provided by the Contracting Party and shall recommend to the Commission a final compliance status that shall be recorded in that year's CCAMLR Compliance Report.

4. CCAMLR Compliance Report

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

PART A: CONSERVATION MEASURES

<p>Conservation measure contained in the <i>Schedule of Conservation Measures in Force</i></p>	<p>Conservation measure implementation¹ (description of what Secretariat records show with respect to implementation of conservation measure, including history) [To be completed by Secretariat]</p>	<p>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. Contracting Parties should also include a suggested compliance category from Annex 10-10/B and any proposed further action) [To be completed by Contracting Party]</p>	<p>SCIC comments/ compliance status/ recommended action(s) [To be completed by SCIC]</p>

PART B: OBLIGATIONS UNDER PART D OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

Obligations under Part D of the Scheme of International Scientific Observation	Information relevant to the obligations under Part D of the Scheme of International Scientific Observation	Action taken under Part D of the Scheme of International Scientific Observation	SCIC comments/ compliance status/ recommended action(s) [To be completed by SCIC]

COMPLIANCE STATUS CATEGORIES

Compliance status ¹	Criteria	Suggested action
Compliant	Contracting Party fully compliant with obligations	No action required
Minor non-compliant (non-compliance with conservation measures of CCAMLR)	Minor infringements evident	<ul style="list-style-type: none"> • Review by SCIC and Commission and recommend further action(s) • Identify non-compliance of a technical or minor nature, or which requires the provision of further actions by Contracting Party • 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
Seriously, frequently or persistently non-compliant (non-compliance with conservation measures of CCAMLR)	Serious, frequent or persistent non-compliance in relation to breaches of conservation measures which undermines the objectives of CCAMLR	Review by SCIC and Commission and recommend further action(s) by Commission

Compliance status¹	Criteria	Suggested action
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
Need of interpretation by SCIC	Ambiguity or misunderstanding of relevant obligation	If necessary, review conservation measure to address any technical impediments to implementation
No compliance status assigned	Cases of emergency relating to the safety of a ship and those on board or saving life at sea	No action required

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