



CCAMLR

COMM CIRC 09/130
SC CIRC 09/67

Monday, 30 November 2009

Response to Consolidated Revision of Report on Preliminary Impact Assessment for New and Exploratory Fisheries in 2009/10

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**TO ALL MEMBERS OF THE COMMISSION
AND THE SCIENTIFIC COMMITTEE**

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**Response to Consolidated Revision of Report on Preliminary Impact Assessment
for New and Exploratory Fisheries in 2009/10**

In accordance with CCAMLR-XXVIII, paragraph 12.18(vii), Australia has submitted the attached letter and requested that it be circulated to Members.

Dr D.G.M. Miller
Executive Secretary

Attch.



Australian Government

Department of the Environment, Water, Heritage and the Arts
Australian Antarctic Division

CCAMLR
PO Box 213
NORTH HOBART TAS 7002

Dear CCAMLR Members

Failure to provide preliminary assessments for bottom fishing activities in the CCAMLR Area

Australia and a number of other CCAMLR Members had prolonged discussions with Korea [and Russia] during the 2009 CCAMLR meeting on their failure to provide preliminary assessments pursuant to CM 22-06.

Australia notes the special allowances made at the 2009 CCAMLR meeting and the subsequently agreed review process contained in CCAMLR XXVIII, paragraph 12.18. Australia also notes these allowances were made under extraordinary circumstances noting that, in the future, preliminary assessments submitted after the date specified in CM 22-06 would not be reviewed by the Scientific Committee nor considered by the Commission.

Pursuant to the agreement reached at CCAMLR XXVIII, 'outstanding' assessments were to be made available to the Chair of the Scientific Committee and the Convenor of WG-FSA to enable them to conduct a review by 13 November 2009. Australia notes that Korea has failed to provide preliminary assessments for Statistical Divisions 58.4.3a and 58.4.3b as noted in the commentary to the consolidated revision of the report card provided in Comm Circ 09/128.

We note the comments on the review submitted by the US Representative to the Scientific Committee (Comm Circ 09/128) and agree with his assessment that it has not been possible to determine whether Korea's proposed activities in Statistical Divisions 58.4.3a and 58.4.3b would contribute to significant adverse impacts on VMEs nor to evaluate their proposed mitigation measures. The agreement at the 2009 meeting was that a scientific review, in accordance with CM 22-06 was necessary before the notified bottom fishing activities could commence.

The Commission agreed (in CCAMLR XXVIII, paragraph 12.18(vii) that “if by 1 December 2009, no Member of the Commission has informed the Secretariat that, based on the contents of the consolidated review, including the best available data of the known impacts and anticipated impacts of bottom fishing activities on vulnerable marine ecosystems, the proposed bottom fishing activities would contribute to significant adverse impacts on vulnerable marine ecosystems or that proposed mitigation measures would not prevent such impacts, the proposed bottom fishing activities may commence.”

Having considered the contents of the consolidated review and the submitted comments on the review (in accordance with CCAMLR XVIII, paragraph 12.18(vi)), Australia is of the view that Korea’s failure to submit the preliminary assessments for two vessels notified for Statistical Division 58.4.3a and one vessel notified for Statistical Division 58.4.3b, as agreed at CCAMLR XXVIII, should result in the Commission deciding that the vessels not be authorised to undertake exploratory fishing in these Statistical Divisions, noting again that what was agreed was a one off integrated outcome that made special allowances for Korea.

Australia is of the view that the Commission should ensure the precautionary approach is adhered to, that agreed conservation measures are complied with by Members, and ensure that CCAMLR as an organisation acts consistently with UNGA Resolution 61/105.

Australia strongly urges the Commission to note that Members have not been able to inform the Secretariat whether Korea’s proposed bottom fishing activities in Statistical Divisions 58.4.3a and 58.4.3b would contribute to significant adverse impacts on vulnerable marine ecosystems or see if the mitigation measures would prevent such impacts. As such the Commission should make a decision that Korea’s notified vessels not be authorised to undertake bottom fishing activities in Statistical Divisions 58.4.3a and 58.4.3b where it has failed to provide preliminary assessments.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Lyn Maddock', with a stylized flourish extending from the end.

Lyn Maddock
Australian Representative to CCAMLR