

4. Where it has been established, in accordance with the laws of a member of the Commission, that a fishing vessel entitled to fly the flag of that member has been involved in the commission of a serious violation of the provisions of this Convention or of any conservation and management measures adopted by the Commission, that member of the Commission shall order the fishing vessel to cease operations and, in appropriate cases, shall order the fishing vessel to leave the Convention Area immediately. The member of the Commission shall ensure that the vessel concerned does not engage in fishing activities in the Convention Area for fisheries resources until such time as all outstanding sanctions imposed by that member in respect of the violation have been complied with.

5. For the purposes of this Article, a serious violation shall include any of the violations specified in Article 21, subparagraphs 11 (a) to (h) of the 1995 Agreement and such other violations as may be determined by the Commission.

6. If, within three (3) years of the entry into force of this Convention, the Commission is not able to agree on procedures for boarding and inspection of fishing vessels in the Convention Area, Articles 21 and 22 of the 1995 Agreement shall be applied as if they were part of this Convention. Boarding and inspection of fishing vessels in the Convention Area, as well as any subsequent enforcement action, shall be conducted in accordance with the procedures set out in those Articles and any such additional practical procedures decided by the Commission.

7. Without prejudice to the primacy of the responsibility of the flag State, each member of the Commission, in accordance with its laws, shall:

- (a) to the greatest extent possible, take measures and cooperate to ensure compliance by its nationals, and fishing vessels owned, operated or controlled by its nationals, with the provisions of this Convention and any conservation and management measures adopted by the Commission; and
- (b) either on its own initiative or at the request of any other member of the Commission and when provided with the relevant information, promptly investigate any alleged violation by its nationals, or fishing vessels owned, operated or controlled by its nationals, of the provisions of this Convention or any conservation and management measures adopted by the Commission.

8. All investigations and judicial proceedings shall be carried out expeditiously. Sanctions provided for in the relevant laws and regulations of the members of the Commission shall be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur, and shall deprive offenders of the benefits accruing from their illegal activities.

9. A report on the progress of any investigation conducted pursuant to paragraphs 2, 3, 4 or 7, including details of any action taken or proposed to be taken in relation to the alleged violation, shall be provided to the member of the Commission making the request and to the Commission as soon as practicable and in any case within two months of the request. A report on the outcome of the investigation shall be provided to the member of the Commission making the request and to the Commission when the investigation is completed.