

An inspector/scientific observer will also be aboard all vessels at all times to monitor activities and catches and to collect biological data.

The following data and material will be collected from both the survey and commercial fishing operations, as required by the CCAMLR Scientific Observers Manual for fin fisheries:

- Haul-by-haul catch and catch per effort by species
- Haul-by-haul length frequency of common species
- Sex and gonad state of common species
- Diet and stomach fullness
- Scales and/or otoliths for age determination
- By-catch of fish and other organisms
- Observations on the occurrence of seabirds and mammals in relation to fishing operations, and details of any incidental mortality of these animals.

Conservation Measure 145/XVI

*Exploratory Fishery for *Martialia hyadesi* in Statistical Subarea 48.3 in the 1997/98 Season*

The Commission,
Adopts the following Conservation Measure in accordance with Conservation Measures 7/v and 65/XII:

1. Fishing for *Martialia hyadesi* in Statistical Subarea 48.3 shall be limited to the exploratory fishery by flagged vessels of the Republic of Korea and the U.K. The catch shall be limited to 2500 tons.

2. For the purposes of this fishery, the fishing season is defined as the period between 8 November 1997 and the end of the Commission meeting in 1998 or until the catch limit is reached, whichever is sooner.

3. For the purposes of implementing this Conservation Measure:

(i) the Ten-day Catch and Effort Reporting System, as set out in Conservation Measure 61/xii shall apply;

(ii) the data required to complete the CCAMLR standard fine-scale catch and effort data form for squid jig fisheries (Form C3) shall be reported from each vessel. These data shall include numbers of seabirds and marine mammals of each species caught and released or killed. These data shall be reported to CCAMLR by 31 August 1998 for catches taken prior to 31 July 1998; and

(iii) data on catches taken between 31 July 1998 and 31 August 1998 shall be reported to CCAMLR by 30 September 1998 so that the data will be available to the 1998 meeting of the Working Group on Fish Stock Assessment.

4. Each vessel participating in the fishery for *Martialia hyadesi* during the

1997/98 season shall have a scientific observer on board appointed in accordance with the CCAMLR Scheme of International Scientific Observation.

5. The data collection plan (Annex 145/A) shall be implemented. Data collected pursuant to the plan for the period up to 31 August 1998 shall be reported to CCAMLR by 30 September 1998 so that the data will be available to the 1998 meeting of the Working Group on Fish Stock Assessment. Such data taken after 31 August shall be reported to CCAMLR not later than three months after the closure of the fishery.

Annex 145/A

*Data collection Plan for Exploratory Squid (*M. hyadesi*) Fisheries in Subarea 48.3*

1. All vessels will comply with conditions set by CCAMLR. These include data required to complete the Ten-day Catch and Effort Reporting System, as specified by Conservation Measure 61/XII; and data required to complete the CCAMLR standard fine-scale catch and effort data form for a squid jig fishery (Form C3, version 3). This includes numbers of seabirds and marine mammals of each species caught and released or killed.

2. All data required by the CCAMLR Scientific Observers Manual for squid fisheries will be collected. These include:

- (i) vessel and observer program details (Form S1);
- (ii) catch information (Form S2); and
- (iii) biological data (Form S3).

Resolution 12/XVI

Automated Satellite-Linked Vessel Monitoring Systems (VMSs)¹

The Commission,
Noting the extreme concern over high levels of illegal, unregulated and unreported fishing for *Dissostichus eleginoides* and other marine living resources,

Considers that:

1. Subject to paragraphs 2 and 3, Members shall endeavour, by the end of

¹ For this purpose, VMS means a system where, inter alia:

- (i) information collected shall include the vessel identifier, location, date and time, which shall be collected with a required frequency to ensure that the member can effectively monitor its vessel; and
- (ii) performance standards shall, at a minimum, include a system that:
 - (a) is tamper proof;
 - (b) is fully automatic and operational at all times regardless of environment conditions;
 - (c) provides real time data; and
 - (d) provides latitude and longitude with a position accuracy of 500 m or better, with the format to be determined by the Flag State.

the Commission meeting in 1998, to establish an automated vessel monitoring system (VMS) to monitor the position of its flag vessels licensed or permitted in accordance with Conservation Measure B(SCOI)/XVI to harvest *Dissostichus* species or other marine living resources in the Convention Area for which catch limits, fishing seasons or area restrictions have been set by Conservation Measures adopted by the Commission.

2. Any Member not in a position to establish a VMS by the date specified in paragraph 1 shall so inform the CCAMLR Secretariat in advance of the 1998 annual meeting and, if possible, notify its intended alternative timetable for the implementation of a VMS.

3. The implementation of VMS on vessels while participating in the krill fishery is not currently necessary.

4. Once its VMS is established, each Member should monitor the position of its Flag vessels licensed or permitted in accordance with Conservation Measure B(SCOI)/XVI. Should the VMS cease to transmit, the member should take immediate steps to ensure that the transmission is swiftly restored.

5. Members should report to the Secretariat before the start of the annual meeting of the Commission on:

(i) any VMS in operation, including its technical details; and

(ii) in accordance with paragraph XI of the System of Inspection, all cases where they have determined with the assistance of VMS that vessels of their flag had fished in the Convention Area in possible contravention of CCAMLR Conservation Measures.

Dated: January 15, 1998.

Raymond V. Arnaudo,

Deputy Director, Office of Oceans Affairs.

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OFFICE OF THE UNITED STATE TRADE REPRESENTATIVE

Identification of Countries Under Section 182 of the Trade Act of 1974; Request for Public Comment

AGENCY: Office of the United States Trade Representative.

ACTION: Request for written submissions from the public.

SUMMARY: Section 182 of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2242), requires the United States Trade Representative (USTR) to identify countries that deny adequate and effective protection of intellectual property rights or deny fair and

equitable market access to U.S. persons who rely on intellectual property protection. (Section 192 is commonly referred to as the "Special 301" provisions in the Trade Act.) In addition, the USTR is required to determine which of these countries should be identified as priority foreign countries. Acts, policies or practices which are the basis of a country's identification as a priority foreign country are normally the subject of an investigation under the Section 301 provisions of the Trade Act. Section 182 of the Trade Act contains a special rule for the identification of actions by Canada affecting United States cultural industries.

USTR requests written submissions from the public concerning foreign countries' acts, policies, and practices that are relevant to the decision whether particular trading partners should be identified under Section 182 of the Trade Act.

DATES: Submissions must be received on or before 12:00 noon on Monday, February 23, 1998.

ADDRESSES: Submissions should be sent to Sylvia Harrison, Special Assistant to the Section 301 Committee, Room 416, 600 17th Street, NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Claude Burcky, Director for Intellectual Property (202) 395-6864; Steve Fox, Deputy Director for Intellectual Property (202) 395-6864, or GERALYN S. RITTER, Associate General Counsel (202) 395-6800, Office of the United States Trade Representative.

SUPPLEMENTARY INFORMATION: Pursuant to Section 182 of the Trade Act, the USTR must identify those countries that deny adequate and effective protection for intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. Those countries that have the most onerous or egregious acts, policies, or practices and whose acts, policies or practices have the greatest adverse impact (actual or potential) on relevant U.S. products are to be identified as priority foreign countries. Acts, policies or practices which are the basis of a country's designation as a priority foreign country are normally the subject of an investigation under the Section 301 provisions of the Trade Act.

USTR may not identify a country as a priority foreign country if it is entering into good faith negotiations or making significant progress in bilateral or multilateral negotiations, to provide adequate and effective protection of intellectual property rights.

Section 182 contains a special rule regarding actions of Canada affecting United States cultural industries. The USTR is obligated to identify any act, policy or practice of Canada which affects cultural industries, is adopted or expanded after December 17, 1992, and is actionable under Article 2106 of the North American Free Trade Agreement (NAFTA). Any such act, policy or practice so identified shall be treated the same as an act, policy or practice which was the basis for a country's identification as a priority foreign country under Section 182(a)(2) of the Trade Act (i.e., such acts, policies or practices shall be the subject of a Section 301 investigation under the "Special 301" procedures), unless the United States has already taken action pursuant to Article 2106 of the NAFTA.

USTR must make the above-referenced identifications within 30 days after publication of the National Trade Estimate (NTE) report, i.e., no later than April 30, 1998.

Requirements for Submissions

Submissions should include a description of the problems experienced and the effect of the acts, policies and practices on U.S. industry. Submissions should be as detailed as possible and should provide all necessary information for assessing the effect of the acts, policies and practices. Any submissions that include quantitative loss claims should be accompanied by the methodology used in calculating such estimated losses. Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) (55 FR 20593) and must be sent to Sylvia Harrison, Special Assistant to the Section 301 Committee, Room 416, 600 17th Street, N.W., Washington, D.C. 20508, no later than 12:00 noon on Monday, February 23, 1998. Because submissions will be placed in a file open to public inspections at USTR, business-confidential information should not be submitted.

Public Inspection of Submissions

Within one business day of receipt, submissions will be placed in a public file, open for inspection at the USTR Reading Room, in Room 101, Office of the United States Trade Representative, 600 17th Street, NW., Washington, D.C. An appointment to review the file may be made by calling Brenda Webb, (202) 395-6186. The USTR Reading Room is open to the public from 10:00 a.m. to

12:00 noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday.

Joseph Papovich,

Assistant USTR for Services, Investment and Intellectual Property.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/D-16]

WTO Dispute Settlement Proceedings: Ireland—Measures Affecting the Grant of Copyright and Neighboring Rights, and European Communities— Measures Affecting the Grant of Copyright and Neighboring Rights

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: Pursuant to section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), the Office of the United States Trade Representative (USTR) is providing notice that the United States has requested the establishment of a dispute settlement panel under the Agreement Establishing the World Trade Organization, to examine whether the legal regime in Ireland complies with the obligations in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). USTR also invites written comments from the public concerning the issues raised in these disputes.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before February 20, 1998, to be assured of timely consideration by USTR in preparing its first written submission to the panel.

ADDRESSES: Comments may be submitted to Greg Gerdes, Office of Monitoring and Enforcement, Room 501, Attn: Ireland TRIPS Dispute, Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Claude Burcky, Director for Intellectual Property (202) 395-6864, or GERALYN S. RITTER, Associate General Counsel, (202) 395-6800, Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, DC 20508.

SUPPLEMENTARY INFORMATION: On January 9, 1998, the United States formally requested establishment of a WTO dispute settlement panel to examine whether the legal regime in