

CONSERVATION MEASURE 21-02 (2009)^{1,2}
Exploratory fisheries

Species	all
Area	all
Season	all
Gear	all

The Commission,

Recognising that in the past, some Antarctic fisheries had been initiated and subsequently expanded in the Convention Area before sufficient information was available upon which to base management advice,

Agreeing that exploratory fishing should not be allowed to expand faster than the acquisition of information necessary to ensure that the fishery can and will be conducted in accordance with the principles set forth in Article II,

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

1. For the purposes of this conservation measure, exploratory fisheries are defined as follows:
 - (i) an exploratory fishery shall be defined as a fishery that was previously classified as a 'new fishery', as defined by Conservation Measure 21-01;
 - (ii) an exploratory fishery shall continue to be classified as such until sufficient information is available:
 - (a) to evaluate the distribution, abundance and demography of the target species, leading to an estimate of the fishery's potential yield;
 - (b) to review the fishery's potential impacts on dependent and related species;
 - (c) to allow the Scientific Committee to formulate and provide advice to the Commission on appropriate harvest catch levels, as well as effort levels and fishing gear, where appropriate.
2. To ensure that adequate information is made available to the Scientific Committee for evaluation, during the period when a fishery is classified as exploratory, the Scientific Committee shall develop (and update annually as appropriate) a Data Collection Plan, which should include research proposals, as appropriate. This shall identify the data needed and describe any operational research actions necessary to obtain the relevant data from the exploratory fishery to enable an assessment of the stock to be made.
3. The Data Collection Plan shall include, where appropriate:
 - (i) a description of the catch, effort, and related biological, ecological and environmental data required to undertake the evaluations described in paragraph 1(ii), and the date by which such data are to be reported annually to CCAMLR;

- (ii) a plan for directing fishing effort during the exploratory phase to permit the acquisition of relevant data to evaluate the fishery potential and the ecological relationships among harvested, dependent and related populations and the likelihood of adverse impacts;
 - (iii) where appropriate, a plan for the acquisition of any other research data by fishing vessels, including activities that may require the cooperative activities of scientific observers and the vessel, as may be required for the Scientific Committee to evaluate the fishery potential and the ecological relationships among harvested, dependent and related populations and the likelihood of adverse impacts;
 - (iv) an evaluation of the time-scales involved in determining the responses of harvested, dependent and related populations to fishing activities.
4. The Commission shall annually determine a precautionary catch limit at a level not substantially above that necessary to obtain the information specified in the Data Collection Plan and required to undertake the evaluations described in paragraph 1(ii).
5. Any Member proposing to participate in an exploratory fishery shall:
- (i) notify its intention to the Commission not less than three months in advance of the next regular meeting of the Commission with the exception of exploratory fisheries for krill for which there is a deadline of 1 June³. This notification shall include the information prescribed in paragraph 4 of Conservation Measure 10-02 in respect of vessels proposing to participate in the fishery, with the exception that the notification shall not be required to specify the information referred to in paragraph 4(ii) of Conservation Measure 10-02. Members shall, to the extent practicable, also provide in their notification the additional information detailed in paragraph 5 of Conservation Measure 10-02 in respect to each fishing vessel notified. Members are not hereby exempted from their obligations under Conservation Measure 10-02 to submit any necessary updates to vessel and licence details within the deadline established therein as of issuance of the licence to the vessel concerned;
 - (ii) prepare and submit to CCAMLR by a specified date a Fishery Operations Plan for the fishing season, for review by the Scientific Committee and the Commission. The Fishery Operations Plan shall include as much of the following information as the Member is able to provide, so as to assist the Scientific Committee in its preparation of the Data Collection Plan:
 - (a) the nature of the exploratory fishery, including target species, methods of fishing, proposed region and maximum catch levels proposed for the forthcoming season;
 - (b) biological information on the target species from comprehensive research/survey cruises, such as distribution, abundance, demographic data and information on stock identity;
 - (c) details of dependent and related species and the likelihood of their being affected by the proposed fishery;

- (d) information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential yield;
 - (e) if the proposed fishery will be undertaken using bottom trawl gear, information on the known and anticipated impacts of this gear on vulnerable marine ecosystems, including benthos and benthic communities;
 - (iii) provide a commitment, in its proposal, to implement any Data Collection Plan developed by the Scientific Committee for the fishery.
6. On the basis of the information submitted in accordance with paragraph 5, and taking into account the advice and evaluation provided by the Scientific Committee and the Standing Committee on Implementation and Compliance (SCIC), the Commission shall annually consider adoption of relevant conservation measures for each exploratory fishery.
 7. The Commission shall not consider a notification by a Member unless the information required by paragraph 5 has been submitted by the due date.
 8. If a Member proposing to participate in an exploratory fishery fails to submit notification of this proposal to the Commission in accordance with the deadline specified in paragraph 5 above, the Member shall not authorise, under Conservation Measure 10-02, vessels flying its flag to participate in the proposed fishing activities.
 9. Notwithstanding paragraph 7, Members shall be entitled under Conservation Measure 10-02 to authorise participation in an exploratory fishery by a vessel other than that identified by the Commission in accordance with paragraph 5 if the notified vessel is prevented from participation due to legitimate operational or *force majeure* reasons. In such circumstances the Member concerned shall immediately inform the Secretariat thereof providing:
 - (i) full details of the intended replacement vessel(s) as prescribed in paragraph 5(i);
 - (ii) a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.

The Secretariat shall immediately circulate this information to all Members.

10. Where such a proposed exploratory fishery includes bottom fishing activities, the Member shall not authorise, under Conservation Measure 10-02, vessels flying their flag to participate in the proposed bottom fishing activities if the procedures outlined in Conservation Measure 22-06, paragraph 7, have not been fully complied with.
11. Members whose vessels participate in exploratory fisheries in accordance with paragraphs 5 and/or 9 shall:
 - (i) ensure that their vessels are equipped and configured so that they can comply with all relevant conservation measures;
 - (ii) ensure that each vessel carries a CCAMLR-designated scientific observer to collect data in accordance with the Data Collection Plan, and to assist in collecting biological and other relevant data;

- (iii) annually (by the specified date) submit to CCAMLR the data specified by the Data Collection Plan;
 - (iv) be prohibited from continuing participation in the relevant exploratory fishing if the data specified in the Data Collection Plan have not been submitted to CCAMLR for the most recent season in which fishing occurred, until the relevant data have been submitted to CCAMLR and the Scientific Committee has been allowed an opportunity to review the data.
12. A vessel on either of the IUU Vessel Lists established under Conservation Measures 10-06 and 10-07 shall not be permitted to participate in exploratory fisheries.
13. Notifications for exploratory fisheries pursuant to the provisions above shall be subject to an administrative cost-recovery scheme and shall therefore be accompanied by a payment per vessel, the amount and refundable component of which shall be decided by the Commission, as well as the conditions and modalities according to which such payment shall be made.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands

² Except for waters adjacent to the Prince Edward Islands

³ A 1 June deadline for krill allows such notifications to be considered by the Working Group on Ecosystem Monitoring and Management. The Working Group will review all notifications for krill fisheries and advise whether notifications for exploratory fisheries specify appropriate exploratory fishing operations, and whether a notifying Member is required to submit additional information (e.g. Data Collection Plan) for consideration by the Scientific Committee.