

Conservation Measure 21-02 (2019)^{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 plan 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 timescales 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. A Member intending to fish pursuant to this conservation measure may only notify in respect to vessels flying its flag or that of another CCAMLR Member at the time of the notification³.
6. Any Member proposing to participate in an exploratory fishery shall, by 1 June⁴ prior to the season in which it intends to fish:
- (i) notify its intention to the Commission by submitting, to the Secretariat, a notification that includes the information prescribed in Conservation Measure 10-02, paragraph 3, 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 Conservation Measure 10-02, paragraph 3(ii). Members shall, to the extent practicable, also provide in their notification the additional information detailed in Conservation Measure 10-02, paragraph 4, 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) as part of any notification, prepare and submit to the Secretariat by 1 June a Fishery Operations Plan for the fishing season, and a preliminary assessment of the impact of planned activities on vulnerable marine ecosystems if required under Conservation Measure 22-06, paragraph 7(i), for review by the Working Groups on Statistics, Assessments and Modelling (WG-SAM), Ecosystem Monitoring and Management (WG-EMM), Fish Stock Assessment (WG-FSA), the Scientific Committee and the Commission⁵. Fishery Operations Plans submitted after 1 June will not be considered by the relevant working group(s), the Scientific Committee or 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) specification⁶ and full description^{7,8} of the types of fishing gear to be used;
 - (c) biological information on the target species from comprehensive research/survey cruises, such as distribution, abundance, demographic data and information on stock identity;
 - (d) details of dependent and related species and the likelihood of their being affected by the proposed fishery;
 - (e) information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential yield;
 - (f) 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) for notifications for participation in exploratory fisheries for *Dissostichus* spp. in Statistical Subarea 48.6 and Statistical Divisions 58.4.1, 58.4.2 and 58.4.3a, prepare and submit to the Secretariat a Research Plan for review by WG-SAM, WG-FSA, the Scientific Committee and Commission⁵. Research Plans shall be reported in accordance with the format of Conservation Measure 24-01, Annex 24-01/A, format 2. Research plans not submitted to the Secretariat by 1 June will not be considered by the relevant working group(s) or the Scientific Committee;
- (iv) provide a commitment, in its proposal, to implement any Data Collection Plan developed by the Scientific Committee for the fishery.
7. On the basis of the information submitted in accordance with paragraph 6, 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.
 8. Only the notifications containing all the information in accordance with paragraph 6, submitted by 1 June, and accompanied by the notification fee required under paragraph 15, submitted by 1 July, shall be included in the annual report of fisheries notifications prepared by the Secretariat to be considered by the Commission.⁹
 9. The Secretariat shall, via Commission Circular, remind Members of the deadline and process for submitting notifications at least 30 days prior to the deadline, and again at least one week prior to the deadline. Reminders will also be sent, via email, to the notification contacts that have been nominated by Members.
 10. If a Member proposing to participate in an exploratory fishery fails to submit a notification of this proposal to the Commission in accordance with the deadline and all other requirements specified in paragraphs 6 and 8, the Member shall not authorise, under Conservation Measure 10-02, vessels flying its flag to participate in the proposed fishing activities.

11. Notwithstanding paragraph 8, 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 6 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 6(i);
 - (ii) a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references;
 - (iii) specification and full description of the types of fishing gear to be used by the replacement vessel.

The Secretariat shall immediately circulate this information to all Members.

12. 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.
13. Members whose vessels participate in exploratory fisheries in accordance with paragraphs 6, 8 and/or 11 shall:
 - (i) only use the types of fishing gear specified under paragraph 6(ii)(b) in the Fishery Operations Plan for the vessel notified, or under paragraph 11(iii) for any replacement vessel;
 - (ii) prohibit their vessel(s) from using fishing gear types other than those which were notified for a fishing season unless the gear change is required under research approved by the Scientific Committee for that vessel in that season;
 - (iii) ensure that their vessels are equipped and configured so that they can comply with all relevant conservation measures;
 - (iv) 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;
 - (v) annually (by the specified date) submit to CCAMLR the data specified by the Data Collection Plan;
 - (vi) 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.
14. 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.

15. Notifications for exploratory fisheries pursuant to the provisions above shall be subject to the CCAMLR Notification Fees Procedure, with payment due by 1 July. If a notification pursuant to this conservation measure does not proceed because of a decision of the Commission the notifying Member(s) shall receive a refund of the whole fee. In all other circumstances a fee will not be refunded.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands

² Except for waters adjacent to the Prince Edward Islands

³ Consistent with Conservation Measure 10-02, any vessel notified would need to be flagged to the notifying Member before entering the fishery.

⁴ This deadline allows notifications to be considered by the Scientific Committee's working groups as appropriate. The working groups will review notifications and advise whether notifications for exploratory fisheries meet the scientific requirements, and whether a notifying Member is required to submit additional information (e.g. further detail in the Research Plan) for consideration by the Scientific Committee.

⁵ For activities of more than one season in duration, the relevant Fishery Operations Plan and any associated Research Plan shall be reviewed by WG-SAM, WG-FSA and the Scientific Committee and considered by the Commission in the year of submission. Multi-year plans that have been endorsed by the Commission shall be reviewed by WG-FSA and the Scientific Committee every two years thereafter unless otherwise specified. In those cases, each notification shall indicate that the relevant plan(s) continue to apply. Members can also request a review of their plans by any relevant working group at any stage.

⁶ For example, integrated weight longline, Spanish longline, trotline, trawl, continuous trawl or pot.

⁷ For example, snood length, hook spacing, number of hooks per cluster, cluster spacing, net dimensions, trawl-door type, size and weight, footrope dimensions and type, net opening, pumping volume, pot dimensions and any factors affecting gear selectivity.

⁸ In accordance with Conservation Measure 21-03, Annex 21-03/A, for krill fisheries.

⁹ The annual report of fisheries notifications shall be considered by the Commission at its annual meeting.